

A. Havenworth

A Compendium of Laws

Covering Interests Upon the

Fort Leavenworth Military Reservation

Together With a

History of Its Institutions

and Other Information for the Benefit of Officers,
Soldiers and Civilian Employees

By Henry Shindler

Foreman Staff College Press

Make your employer's business your sole interest. Work cheerfully and faithfully. If you see anything that needs to be done and no one attending to it, do it. Never content yourself with a mere niggardly discharge of narrowly interpreted obligations. Do more than is expected of you, never less. Remember that he who does no more than he is paid for is never paid for more than he does.—*Major General J. Franklin Bell, U. S. Army.*

A WORD IN ADVANCE

The need of a compendium of the authorities under which the corporate interests on the Fort Leavenworth Military Reservation were established, has long been recognized by those charged with the administration of the post's executive affairs. The records available are too incomplete and lack much of the information necessary for an appropriate discharge of these functions.

The undersigned, familiar with these grants and much of their history, has undertaken to place before the authorities a compilation of all laws and regulations applying to these interests with such information in addition thereto, in each case, as may be deemed appropriate.

If the result presented in these pages proves acceptable the author will feel amply repaid.

HENRY SHINDLER.

Fort Leavenworth, Kas.,
June 22, 1909.

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DIVISION I

Establishment of Post and Survey of Reservation

The site upon which Fort Leavenworth was built was located by Colonel Henry Leavenworth, 3d Infantry, in May, 1827, and officially declared established by the War Department September 19, 1827.

The first survey for a reservation was made in 1830 by Isaac McCoy. This official was appointed by the President to survey lands needed for a reservation for the Delaware Indians as provided for in a treaty made the previous year. In order to define the boundary between the Indian lands and the lands required for military purposes, the surveyor suggested to the commanding officer of the post¹ to permit the fixing of the boundary lines for a necessary reservation, and, with his consent, this was done. The lines thus fixed ran between north and south as they are now known, and as designated in an official survey of 1854. The western line extended from the right bank of the Missouri river westward about four miles, thence north to the Missouri river, which also forms the eastern boundary.

A second survey was made in 1839 by Lieutenant A. R. Johnson, 1st Dragoons, upon direction of the post commander,² and, under this survey, the lines as fixed by McCoy were not disturbed except that the line along the west, was withdrawn eastward and the course of Salt creek fixed as the western boundary.

Upon the approval of the act in 1854 organizing

¹Major William Davenport, 6th U. S. Infantry.

²Colonel Stephen W. Kearney, 1st Dragoons.

the territory of Kansas, the President directed that the lines of the Fort Leavenworth military reservation be defined by meets and bounds in order that the lands may be withheld from public sale, to which all other lands in the territory, under the act referred to, became subject. Such survey was made under the direction of Captain Franklin E. Hunt, 4th Artillery, commanding the post.

Under date of September 28, 1854, Captain Hunt informs the department that under his instructions the reservation as formerly laid out being much larger than necessary, he only "went $2\frac{3}{4}$ miles from the right bank of the river, and thence along the top of the bluffs" as near as he could make a good boundary to the Missouri river.

At a point about six miles from the southeast corner of the reservation the river makes a turn towards the northwest for some distance and accounts for the western boundary extending north to the right bank of that stream, forming both the east and north boundary of the reservation.

There has been no other change since the Hunt survey of 1854 and the present boundary lines are known as the "Hunt Survey". (See map.)

For correspondence relating to this subject see Appendix "A".

The reservation as surveyed in 1854 contains about 6,030.68 acres. Since that time twenty acres of this land were sold to the Leavenworth Coal Company to which reference is made in a subsequent division.

During the past ten years some small parcels of lands on the west boundary were purchased and made a part of the reservation.

In 1838 a timber reservation, comprising 6,000 acres, was set aside in Missouri, along the river opposite the post. In 1841 this reserve was largely di-

minated, and again in 1844 a further reduction was made, so that at this time, according to the records in the office of the quartermaster general, the reservation in Missouri contains about 939 acres. A survey of this reserve has not been made for many years, and it is believed, owing to the immense inroads made by the river upon this land that it contains nothing like the acreage given.

[APPENDIX "A"]

QUARTERMASTER GENERAL'S OFFICE

Washington City, July 11, 1854.

SIR: Your communication of the 10th instant, with the accompanying copy of the original map of the military reserve at Fort Leavenworth east of the Missouri river, is received. The object of the department is to obtain a plat of the reservation lying on the *west* side of that river, which I have accordingly to request may now be furnished. Very respectfully, your obedient servant,

THOMAS S. JESUP,
Quartermaster General.

John Wilson, Esq.,
Commissioner General Land Office, Washington City, D. C.

GENERAL LAND OFFICE

July 11, 1854.

SIR: In reply to your communication of this date requesting copy of the plat of the military reservation at Fort Leavenworth, on the west side of the Missouri river, I have to state that there does not appear to have been any action through this office for reserving lands at the post *west* of the river, but only the portion east of the river, opposite the fort, as shown by the map transmitted with my letter of the 10th instant. I am, very respectfully, your obedient servant,

JOHN WILSON,
Commissioner.

Lieutenant Colonel Charles Thomas,
Deputy Quartermaster General in Charge, War Dep't.

Endorsement on the above :

Respectfully referred to the adjutant general. I understand that a reserve was made by order of the President of the United States within the Indian territory west of the Missouri, the site of the present post of Fort Leavenworth, and that the order for the reserve was issued from the adjutant general's office. Is there a report and survey of the reserve in the office? If there be no evidence of the reserve

having been made, we may lose the site with all the improvements.

THOMAS S. JESUP,
Quartermaster General.

July 14, 1854.

Respectfully returned to the quartermaster general. It does not appear from our examination of the records of this office that any reservation has ever been made at Fort Leavenworth on the west side of the Missouri river.

S. COOPER, *Adjutant General.*
Adjutant General's Office, July 18, 1854.

Respectfully returned to the adjutant general.

It is desirable that the lands necessary for military purposes at Fort Leavenworth be formally set apart for military purposes; otherwise they will be seized upon by squatters, and the public will lose not only the land but the improvements. I respectfully recommend that the proper order be issued for surveys to be made, and that the authority of the President to the Land Department be obtained to reserve from sale the lands now occupied, and which are considered necessary for military purposes.

THOS. S. JESUP,
Quartermaster General.

August 3, 1854.

Respectfully submitted to the Secretary of War.

It does not appear to have been the practice of the department to make reservations of lands for military purposes within the Indian territory, the laws regulating trade and intercourse with Indian tribes being, in that case, sufficient to prevent intrusion. But as the lands in the neighborhood of Fort Leavenworth are now about to be surveyed and brought into market, it is recommended that the land at that post, required for military purposes, be now set apart and reserved from sale by the president.

S. COOPER,
Adjutant General.

Let orders be given to have a survey made and a reservation laid off, including the building and improvements, and so much land as is necessary for military purposes, looking to its use as a main depot and cavalry station. A plat will be made, and such a description of the tract given, as will enable the

Commissioner of the General Land Office to have it marked on the plats of the public lands.

JEFFERSON DAVIS,

Secretary of War.

War Department, August 9, 1854.

ADJUTANT GENERAL'S OFFICE,

Washington, August 11, 1854.

SIR: By the direction of the Secretary of War, you will cause a survey to be made, and a reservation to be laid off, including the buildings and improvements, and so much land as may be necessary for military purposes, at Fort Leavenworth, looking to its use as a main depot and cavalry station.

A plot of the reservation will be made, and such description of the tract given, as will enable the Commissioner of the General Land Office to have reservation marked upon the plats of the public lands. Very respectfully, your obedient servant,

S. COOPER,

Adjutant General.

Commanding Officer,

Fort Leavenworth, Missouri.

WAR DEPARTMENT,

Washington, October 14, 1854.

SIR: I herewith enclose a map and field notes of a survey of a tract of land at Fort Leavenworth to be reserved for military purposes under an order of the President, dated the 10th instant, and endorsed upon the papers. Very respectfully, your obedient servant,

JEFFERSON DAVIS,

Secretary of War.

Hon. R. McClelland,

Secretary of the Interior.

FORT LEAVENWORTH, KANSAS TERRITORY,

September 28, 1854.

COLONEL: I herewith enclose field notes of a survey made for a military reserve at Fort Leavenworth, in obedience to instructions received by me, dated Adjutant General's Office, Washington, August 11, 1854, and by this mail I forward a map of said reserve in Kansas territory. This is en-

tirely independent of the reserve in Missouri, which I consider at present necessary to retain on account of the timber, ferry, etc.

It appears from records in the possession of Mr. J. C. McCoy, who assisted in making a survey, that in October, 1830, a reservation was laid off, the southern boundary of which commences, and corresponds with it, with the exception of a slight offset, which you will observe running around the farm fence, containing a tract of about one hundred acres, which lies in the Delaware lands.

The line was run in this manner to include, according to instructions, all the improvements; but, as it is clearly land already assigned to the Delawares, and it is the only land in the reservation that can be claimed by any Indians, I would respectfully suggest that the straight dotted line across the farm field be made the boundary, and that the assistant quartermaster at this post be directed to move his fence to conform therewith.

The line thence continues with the southern boundary, but as the reserve, as formerly laid out, was much larger than I conceived necessary under my instructions, I only went out $2\frac{3}{4}$ miles on this line, and thence along the top of the bluffs as near as I could make a good boundary to the Missouri river.

I am, Colonel, very respectfully, your obedient servant,

F. E. HUNT,

*Captain, Fourth Artillery,
Commanding Post.*

Colonel S. Cooper,

*Adjutant General, U. S. Army,
Washington, D. C.,*

Respectfully submitted to the Secretary of War. Please see herewith a copy of the instructions to the commanding officer at Fort Leavenworth to cause the reservation to be laid off and surveyed.

S. COOPER,

Adjutant General.

Adjutant General's Office, October 9, 1854.

The accompanying field notes and map of reservation for military purposes are submitted to the President, and recommended for his approval and orders, as indicated within.

JEFFERSON DAVIS,

Secretary of War.

October 10, 1854.

DIVISION II

Jurisdiction—Suffrage—Civil and Criminal Process—Taxation, Etc.

Under an act of the legislature of the state of Kansas, approved February 25, 1875, jurisdiction over the Fort Leavenworth military reservation was ceded to the United States, reserving certain rights as to civil or criminal process and taxation.¹

Until the admission of the territory of Kansas, June 21, 1861, as a state, the United States exercised exclusive jurisdiction over the lands comprising the Fort Leavenworth reservation. "From some cause—inadvertence, perhaps, or over-confidence that a reversion of such jurisdiction could be had whenever desired—no such stipulation was made in the act providing for the admission of the territory. The United States, therefore, retained, after the admission of the state, only the rights of an ordinary proprietor, except as an instrument for the execution of the powers of the general government, that part of the tract which was actually used for a fort or military post, was beyond such control of the state, by taxation or otherwise, as would defeat its use for that purpose. So far as the land constituting the reservation, not used for military purposes, the possession of the United States was only that of an individual proprietor."

¹The Constitution of the United States permits a state to cede to the United States jurisdiction over a portion of its territory. *Benson vs. United States*, 146 U. S., 325.

To ascertain the rights of the United States upon the reservation and to cure the defect, if possible, the question was submitted to the United States attorney general for an opinion.¹ This official held that to secure a restoration of federal jurisdiction over these lands it would be necessary to obtain from the state of Kansas a cession of same. This was secured in the act above referred to and is as follows:

An act ceding jurisdiction over Fort Leavenworth Military Reservation.

Be it enacted by the Legislature of the State of Kansas: That exclusive jurisdiction be, and the same is hereby ceded to the United States over and within all the territory owned by the United States and included within the limits of the United States military reservation known as the Fort Leavenworth Reservation in said state, as declared from time to time by the President of the United States, saving, however, to the said state the right to serve civil or criminal process within said reservation, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said state, but outside of said cession and reservation, and saving further to said state the right to tax railroad, bridge, and other corporations, their franchises and property, on said reservation.

Approved February 25, 1875.

Since this jurisdiction was ceded, the Supreme Court of the United States has passed upon two important questions—one, as to the right of the state to tax the property of private corporations upon the reservation, the other, upon the liability of such corporations for damages to property and injury to persons, under the laws of the state in force at the time such jurisdiction was ceded.

With reference to the right of the state to tax the corporations on the Fort Leavenworth reserve the court held that “there is no constitutional prohibition against the enforcement of that (taxing) clause. The right of the state to subject the railroad property to taxation existed before the cession. The in-

¹See Appendix B.

validity of the tax levied not being asserted on any other ground than the supposed exclusive jurisdiction of the United States over the reservation, notwithstanding the saving clause.”

The second case relates more directly to rights of persons residing upon the reservation who may have had inflicted upon them damages to property or personal injury, by railroad companies operating upon or running through the Fort Leavenworth lands. This case arose at Fort Leavenworth in 1881, where one William McGlinn, an employe of the United States, met with the loss of a cow, killed by a railway company, upon the Fort Leavenworth reservation where the road was not fenced as required by the laws of the state of Kansas. A demand was made upon the company for the payment of \$25, the value of the cow, and such attorney's fees as would be reasonable.

The action was brought in the District Court of Leavenworth county where a judgment for the plaintiff McGlinn was handed down. An appeal to the Supreme Court of the state was submitted on an agreed statement of facts, where the judgment of the lower court was affirmed. This tribunal held that the act of Kansas, relating to the killing or wounding of stock by railroads, continued to be operative within the limits of the reservation as it had not been abrogated by Congress, and was not inconsistent with existing laws of the United States.

The U. S. Supreme Court holds that “It is a general rule of public law, recognized and acted upon by the United States, that whenever political jurisdiction and legislative power over any territory is transferred from one nation or sovereign to another, the municipal laws of the country—that is, laws which are intended for the protection of private rights—continue in force until abrogated or changed

by the new government or sovereign. * * * As a matter of course, all laws, ordinances and regulations in conflict with the political character, institutions and constitution of the new government are at once displaced. At the time of the cession a state law was in force in Kansas requiring railroad companies, whose road was not enclosed by a lawful fence, to pay the owners of all animals killed or wounded by the engines or cars of the companies the full value of the animals killed and the full damage to those wounded, whether the killing or wounding was caused by negligence or not, and that this act remained in force in the reservation after the cession.”¹

Civil Rights on the Reservation

In view of this cession of jurisdiction, questions frequently arise as to the civil rights of persons who may be stationed or who reside on the reservation, the following are some of the general provisions of law and Army Regulations which govern and may serve the inquirer :

Military Jurisdiction

The exercise of all authority over the Fort Leavenworth Military Reservation is vested in the commanding officer of the post. His control is supreme, subject only to higher military authority.

All persons stationed, residing upon, or who may pass through the lands within the boundaries of the reservation, are subject to the rules and regulations provided by military authority and existing laws of the United States.

¹ The opinion in these cases can be found in 114 U. S. Wallace, pages 525 and 542, on the shelves of the Army Service Schools' library.

Suffrage

The right to vote is subject to the laws of the state of Kansas fixing the qualification of voters. There is no Federal law under which persons stationed or residing upon the reservation can claim such privilege.

A person in the military service is entitled to a vote in the place of his legal residence, provided he has the qualifications prescribed by the laws of the state in which such residence was acquired, previous to his entry into the service.

If a legal residence has once existed, mere temporary absence therefrom in the service of the United States, whether as a soldier or in the civil service, however long such absence may have continued, will not destroy it.

The suffrage provision of the Constitution of Kansas (Article 5, Par. 3), is as follows:

“For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States * * * But nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote.”

This last sentence is an amendment to the Constitution on the subject of suffrage and applies only to such persons in the military service stationed within the state of Kansas, who have never acquired a legal residence therein.

The fact that a person in the military service is stationed within a particular state or territory does not procure for him a legal residence, since he is there, not by his own will or choice, but in obedience to the order of military authority, subject to withdrawal from such place by similar order.

A person in the military or civil service of the United States residing upon the reservation, who ac-

quired a legal residence in the State of Kansas before entering such service does not lose the right to vote by reason of being stationed in or residing upon the Fort Leavenworth Reservation. The right to cast a vote at any election, whether in a township, county or ward of a city where such legal residence was acquired, is fixed by the constitution of the state of Kansas and cannot be denied by officers of election, provided, of course, the person complied with such further regulation relative to registration, as the legislature of the state may have prescribed.

A person in the military or civil service of the United States residing upon the Fort Leavenworth Reservation, whose legal residence for the purpose of voting is in a precinct in which voters are required to register ten days preceding any election, must comply with this regulation before he can cast a vote.

Under the Kansas constitution an officer or soldier, whose station is Fort Leavenworth, but who may reside within the corporate limits of the city of Leavenworth with the sanction of the commanding officer, cannot acquire a residence therein for the purpose of voting.

Civil and Criminal Process

In ceding its jurisdiction to the United States the state of Kansas reserved the right to serve civil or criminal process upon the reservation, "in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in the state," without the limits of the reservation. That is to say, no person can feel himself exempt from prosecution for a criminal offense, under the laws of the state of Kansas, by withdrawing to the reservation over which the United States has jurisdiction; no person can evade a civil suit in the state of Kansas for obligations incurred within the state of Kansas, whether

assumed before coming upon the reservation in the service of the United States, or, subsequently. To illustrate, if a person resides upon the reservation and goes to the city of Leavenworth and assumes an obligation and for a failure to meet same, civil process is entered in the courts of the state, and within the County of Leavenworth, the orders of such court can follow him to such reservation and must be obeyed by the person affected.

For any crime committed within the State of Kansas a person cannot claim exemption from arrest by withdrawing to the reservation whether in the employment of the military or civil service of the United States or not. The state has reserved the right to serve process upon such persons and the aid of the military authorities can be invoked to compel a compliance with the orders of the state court.

However, for all obligations assumed upon the reservation and failure to comply therewith, or for all violations of the federal statutes, proceedings must be instituted in the federal courts, as these alone have jurisdiction over all civil and criminal cases arising upon the reservation.

Rights and Duties of Legal Heirs

The federal statutes do not provide for the issuance of letters testamentary or letters of administration on the estate of persons who may die while in its service and residing upon a military reservation over which the state, in which same is located, has ceded its jurisdiction.

The Regulations for the United States Army provide for the disposition of the effects of persons who may die in such service, but such provisions have been made with a view of protecting the estate of the deceased and heirs, if there be any, the final disposition thereof being subject to the

direction of the courts of the state in which death occurred, should legal steps have been taken to establish a right for possession of same, otherwise the distribution will be made by the Treasury Department as follows: (1) Widow; (2) children, in equal share; (3) father; (4) mother; (5) brothers and sisters in equal share.

In Kansas the probate law extends over the Fort Leavenworth military reservation. All letters testamentary or of administration are issued by the Probate Court of Leavenworth county, to which tribunal application must be made for the issuance of same.

Reference has already been made to the opinion of the Supreme Court of the United States to the effect that where a state cedes jurisdiction, all laws of the state existing at the time of cession and not in conflict with those of the United States do not change, unless altered or repealed by the new government. This view applies with particular force to the probate law of Kansas.

In the case of persons in the civil employment of the United States upon the reservation, settlement of claims on account of services rendered by such deceased person can only be made with such person who shall have established a right thereto in the Probate Court of Leavenworth county, or has been appointed an executor of the estate.

The above covers only the general provisions for the disposition of such estates. The details are fully covered by the Army Regulations and the probate law of Kansas.

The Army Regulations advise officers that in cases of single men it is a safe rule to dispose of the effects as provided for in such regulations, and leave the final responsibility of settlement to the Treasury Department. The same rule also applies to officers who are single. In the case of officers or soldiers

who leave a widow it is usually the rule to permit these to take charge of the property. Where, of course, a proper division of the estate—particularly where it consists of personal effects—is concerned, the Probate Court of Leavenworth county must be left to settle all disputes, if any such arise, and application thereto is made for relief by persons claiming a share in such estate.

Taxation

Persons residing upon the Fort Leavenworth military reservation are exempt from the payment of state, county and town taxes, and, therefore, not entitled to any benefits arising therefrom. This, however, does not exempt persons from the payment of taxes on personal property which may be located within the jurisdiction of the state. For instance, a person employed by the United States, stationed or residing upon the Fort Leavenworth military reservation, in possession of personal property and of realty located outside of the reservation and within the county of Leavenworth, is subject to taxation as though its owner resided outside the reservation and is within the jurisdiction of the tax laws governing said county.

[APPENDIX "B"]

DEPARTMENT OF JUSTICE,

April 19, 1872.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing papers touching the military reservation of Fort Leavenworth, Kansas, and submitting for my official opinion the following questions:

"1st. Whether under the Constitution the reservation of this land as a site for a military post and public buildings takes it out of the operation of the law of March 8th, 1858, (11 Stat., 430, 431 . .).

"2d. What action will be required on the part of the Executive or Congress to restore the land comprising this reservation to the exclusive jurisdiction of the United States?"

Respecting the part of the reservation which is included within the pink lines traced on the plat thereof, as surveyed by Captain F. E. Hunt, a copy of which plat accompanied your communication, I have to say that the Supreme Court of the United States, in the case of *United States vs. Stone*, (2 Wall, 525,) has substantially decided that the land thus described never was a portion of the territory allotted to the Delaware tribe of Indians; that it was legally reserved by the President for military purposes; and that the Secretary of the Interior, in 1861, transcended his authority when he ordered surveys to be made of this land. Practically, then, the decision of that case disposes so much of the subject of your communication as relates to the legally-established limits of the reservation; there being, as I understand, no doubt concerning that part of the reservation which is described on the plat by yellow lines.

But, while the United States appear to now hold the lands embraced by the said plat as a military reservation, they never having parted with the title thereto, it would seem that the jurisdiction over the same has passed to the state of Kansas by virtue of the act of June 21, 1861, admitting that state into the Union. The effect of the act was to withdraw from federal jurisdiction all the territory within the boundaries of the new state, excepting only the territories of Indians having treaties with the United States which provided that, without their consent, such territory should not be subjected

to the state jurisdiction, (see *United States vs. Ward*, 1 Wool, C. C. Rep., 17; *United States vs. Stahl*, *ibid*, 192.) The reservation is within the territorial limits of the state, and does not come within the exception averted to.

To restore the federal jurisdiction over the land included in the reservation, it will be necessary to obtain from the state of Kansas a cession of jurisdiction, which, I have no doubt, will be readily granted by the state legislature upon application.

The papers are hereby returned.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney General.

Hon. Wm. M. Belknap,
Secretary of War.

DIVISION III

Railroads

The Constitution of the United States (Art. IV, sec. 3, par. 2) provides that :

“The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.”

The Government of the United States has, with respect to its own lands within the limits of the state, the rights of an ordinary proprietor to maintain its possession, and to prosecute trespassers; and may legislate for their protection, though such legislation may involve the exercise of police power. (*Camfield vs. U. S.*, 167 U. S., 518.)

SECTION 6, *Act of July 5, 1884*:—The Secretary of War shall have authority, in his discretion, to permit the extension of state, county, and territorial roads across military reservations; to permit the landing of ferries, the erection of bridges thereon, and permit cattle, sheep or other stock animals to be driven across such reservation, whenever in his judgment the same can be done without injury to the military forces stationed thereon.

Act of July 28, 1892:—Authority is hereby given to the Secretary of War, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control as may not for the time be required for public use and not for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

A license is an authority, revocable at pleasure, to do a particular act or series of acts upon the land of another without possessing an estate therein. (*Morgan vs. U. S.*, 14. Ct. Cls. 319.)

Chicago, Rock Island & Pacific Ry. Co.

Formerly
The Chicago & Southwestern Ry.
Formerly
Leavenworth & Des Moines Ry.

Under an act of Congress, approved July 27, 1868, a grant was made to the Leavenworth & Des Moines Railway Company authorizing it to construct a line through the military reservation of Fort Leavenworth lying within the state of Missouri in the following terms:

Be it enacted, etc., that the right of way, not exceeding one hundred feet in width, is hereby granted to the Leavenworth & Des Moines Railway Company, a corporation created under the laws of the State of Missouri, to construct and operate a railway across the military reservation at Fort Leavenworth, on the east side of the Missouri river, upon a line to be designated and fixed by the Secretary of War.

In a communication to the Secretary of War, setting forth his reasons for an approval of the proposed grant, Harvey Egerton, the road's president, said:

"The construction of the railroad to the river will be of no inconsiderable convenience and benefit to the government. With the present facilities all freight is landed more than a mile below the city, and is ferried over, then transported to the fort—a distance of more than five miles. With the terminus of the Leavenworth & Des Moines Railroad, where we have designated upon the map (the river bank) all freight for government may be landed by ferry upon the government levee, saving time and labor."

The company, however, failed before being able to carry out the promise made to the government to secure the grant.¹ Later another company was

¹ The city and county of Leavenworth voted \$300,000 in aid of the road's construction, said amount to be paid in installments in proportion to the amount of road graded and placed in operation. Through collusion with certain officials of the county of Leavenworth, officers of the road secured possession of the entire bond issue, when only a fraction of the line had been graded, and none of it in operation. To prevent

organized under the name of "Chicago & Southwestern Railway Company." This company succeeded to the rights held by the Des Moines road. The road-bed was then finished and the line put in operation by the latter part of 1870. Access to Leavenworth and the post was then had by the means proposed in the letter of the "Des Moines" president, from a station opposite the post, in Missouri, called "Bridgeport" and what is now the eastern end of the Missouri & Kansas Bridge. About the 1st of January, 1871, the Chicago, Rock Island & Pacific Railway Company secured a lease of the Southwestern and began operating the line. The road became known as the "Rock Island," although the leased line did not become the actual property of the road until the year 1876. (See Kansas & Missouri Bridge, p. 45.)

The Fort Leavenworth Railroad Co.

The Fort Leavenworth Railroad Company was organized under the authority of a charter granted by the State of Kansas, August 2, 1871. The purpose for which this company was formed and created was to

"build, construct, equip, furnish, manage, work and control a railroad and telegraph line in the County of Leavenworth, State of Kansas.

"The railroad to be constructed by this corporation is to be located within the County of Leavenworth, State of Kansas, starting and beginning at or near the western abutment or approach of the Kansas and Missouri Bridge, on the Fort Leavenworth military reservation in the state and aforesaid, and terminating at, within or near the city of Leavenworth,

legal objections the bonds were carried into Missouri as soon as signed by the county officers and once safe on the other side of the river, work on the line ceased. The federal court, however, Judge Dillon, held that inasmuch as they had paid one installment of interest on these bonds, such payment had legalized the issue and the county was bound to meet the interest as it fell due. This it has done.

in said county with a branch railroad from a point near said bridge on the line of said first mentioned railroad, to a junction with the Leavenworth, Atchison & Northwestern Railroad (Missouri Pacific), at or near said city of Leavenworth, and also to construct, own and operate such other branch railroads within said military reservation as may become necessary or useful in connecting other railroads now or hereafter to be constructed through said military reservation; and also a like railroad connecting said main road and branches together across any portion of said reservation; and also to construct, build, manage and operate a telegraph line or lines along and near to the lines of said road, branches and connections.

“The estimated length of said road is about three miles and its branches and connections are about nine miles.

“The office and place of business of said company and corporation is to be in the City of Leavenworth, in the County of Leavenworth, State of Kansas.

“The terms for which said company and corporation is to continue shall be ninety-nine years.”

In thus reproducing the “prospectus” of this company, as set forth in its charter, it is desired to make of record a most peculiar situation at one time existing on the reservation. A railroad company, without authority from either Congress or the War Department, “squatted” upon the reservation lands, building sidetracks, stockyards, roundhouses and freight buildings in the very “teeth of bayonets”, defying all efforts for twenty years to secure its removal.

The third section of the act of Congress approved July 20, 1868, granting a charter for the construction of a “high” bridge across the Missouri river opposite the post, carries with it a grant providing “for the use of railroads leading to said bridge from either side of the river a right of way through said Fort Leavenworth reservation, not exceeding for all said roads three hundred feet in width, provided that said roads do not in any way interfere with the public buildings on military reservation.”

It is not to be understood that this Fort Leavenworth Railroad Company was an independent organization. Its officers were identified with the Chicago, Rock Island and Pacific railroad company, just as the officers of the latter company were fully identified with the Chicago and Southwestern, which was the construction company for the Rock Island. As the interests of this road were expected to be considerably within the territorial limits of Kansas, it was desirable to organize a corporation under the laws of the state. There was an additional object in view, quite, if not more important, than the mere attempt to control the railway operations on this side of the river as they related to the great bridge. It was the obtainment of considerable lands of the reservation to permit the construction of no inconsiderable terminal facilities of the road.

Under the third section of the act referred to, the Fort Leavenworth Railroad Company hoped to be able to arrogate to itself the right to control the bridge approach and such terminal facilities as each of the roads to cross thereafter, may require. By this grant nothing more was intended than to give free access to and from the bridge for the different roads. It meant as clearly as anything could mean that each road desiring to cross the bridge should be able to reach the City of Leavenworth free and unincumbered so far as the route through the reservation was concerned.

The bridge was opened to traffic in 1872. When the Rock Island reached the Kansas side of the river, it promptly commenced the construction of terminal facilities, running an extended track in a southwest direction, from a point near Two-Mile Creek, and at the head of Sixth street, constructed its freight house and yards.

Subsequently the Fort Leavenworth company organized under a state charter to assume control over the trackage built by the Rock Island. The military authorities of the post laid the action of this road before the war department with a view of ascertaining just what rights the roads possessed under the third section of the act granting a charter for a bridge. The Attorney General of the United States was asked for his opinion (see appendix C). This was to the effect that the road had no authority beyond that clearly stated in section 3, and this did not extend towards the construction of terminal facilities.

On a second representation to the war department in 1875, that the road continued to occupy illegally certain portions of the reserve, the Secretary of War, following the opinion laid down by the Attorney General, held that the road had no right to such occupation and directed its removal. Beyond such instructions nothing was done and the road continued to do business at the "old stand". In 1878, when, upon a third representation the instructions given in 1875, were modified and action deferred to permit the company to secure relief from Congress.

A bill was introduced in the Senate (45th Congress, 2d Sess.) by Mr. Plumb from Kansas, providing for the sale of certain reserve lands¹ to give the Rock Island road the relief sought. The measure passed the Senate but met with parliamentary defeat in the House. This was the only step taken by the company to obtain Congressional relief, but it managed to "hang on" to its unauthorized possessions until 1894.

Upon assumption of the command of the Department of the Missouri in 1887, General Merritt commenced "taking stock" of the corporations doing business on the reservation. He discovered that the Rock Island was there illegally. In his annual report

¹Senate page 4418—Con. Rec. 45th Congress, 2d Session.

for 1888, the General furnishes a list of all Fort Leavenworth corporations with the authority under which they did business on the reservation.

He referred to the fact that the War Department had been frequently asked to take steps looking towards a removal of the road from the reserve, but nothing appeared to have been done. He recommended with considerable force that the road should no longer be permitted to occupy unauthorized ground upon the reserve. A flood of correspondence followed and finally when forbearance ceased to be a virtue even with the War Department, the post commander was directed in 1891 to forcibly remove the company after ten days notice having been given. This had the effect of securing action.

The company represented that arrangements were about being perfected to build a new bridge at Leavenworth, and when finished would remove its terminal facilities from the reservation. The bridge was opened to traffic on January 1, 1894, and from that day the Rock Island ceased to be a bone of contention with the Fort Leavenworth authorities, while the Fort Leavenworth company had long before gone out of business, the object of its organization having failed to materialize sufficient to make its continuance unnecessary.

The Missouri Pacific

Formerly

Leavenworth, Atchison & Northwestern Railway

The present right-of-way through the Fort Leavenworth reservation, along the Missouri river was authorized by Section 2 of an act of Congress, approved July 27, 1868, which provides:

* * *

SECTION 2. *And be it further enacted*, That the right-of-way, not exceeding one hundred feet in width is hereby

granted to the Leavenworth, Atchison & Northwestern Railway company, a corporation created under the laws of the State of Kansas, to construct and operate a railroad across and over the military reservation at Fort Leavenworth, in the State of Kansas, upon such lines as shall be designated and fixed by the Secretary of War; *Provided*, That if the said company shall not construct, within one year from the passage of this act, a railway from the city of Leavenworth to the city of Atchison, then, in that case, a like privilege is hereby conferred upon any other company that shall construct a railway between said cities.

This company obtained a large grant, in stocks¹ from the city of Leavenworth, it having promised to establish headquarters, roundhouses and workshops in the city. Soon following its operation the road was purchased by the Missouri Pacific Railway, which had reached Leavenworth from Kansas City, and has ever since been operated under that name. The roundhouses and whatever shops had been established were removed to the city of Atchison.

The Union Pacific Railway

Formerly

The Leavenworth, Kansas & Western Railway

Formerly

The Kansas Central Railway

The Union Pacific Railway runs through the reservation by virtue of a license granted in 1871 by the Commanding General of the Department of the Missouri, to the Kansas Central Railway. This road was intended to run from Leavenworth to Denver, but when a distance of 164 miles west was reached, construction ceased. It was first built as a narrow guage road and later changed to standard gauge. The company was organized by citizens of Leavenworth, and the county gave \$250,000 of the only paid up stock¹ in

¹ This stock was secured by the county of Leavenworth from the Kansas Pacific railway in return for \$250,000 in aid

the Kansas Pacific, (now Union Pacific), in aid of its construction. The road runs through the towns of Valley Falls, Holton, Onaga, and Garrison. Miltonvale is its terminus.

In 1876 the road was sold to "Commodore" Garrison, owner of the Missouri Pacific railway. In 1880 it became the property of Jay Gould, who purchased the Missouri Pacific. Gould, at this time in control of the Union Pacific, turned this property over to the Union Pacific and has continued to operate the road since that time.

Following is a copy of the authority granted the Kansas Central Railway Company under which it runs across the Fort Leavenworth Military Reservation :

This instrument made and executed on this 31st day of October, 1871, witnesseth, that:

In consideration of the granting of the United States of the right-of-way to the corporation known as the Kansas Central Railway Company through the military reservation of Fort Leavenworth on the line selected by said company, the said Kansas Central Railway Company hereby agree and bind themselves to do and perform, and to keep perpetually in repair, the following described work; as follows:

Whenever the line of the aforesaid railroad shall run between any portion of any corral or corrals or inclosures now existing or hereinafter made, in which are kept animals belonging to the United States, and the stream known as Corral or Two (2) Mile Creek, passageways sufficiently wide and high for horses shall be constructed under the said railroad, the number of such passageways to be fixed by the principal officer of the Quartermaster's Department on duty at Fort

voted that company for the construction of a branch of the Kansas Pacific from Leavenworth to Lawrence to connect with the main line. This stock is worth \$25,000 annually, and it is claimed that county officials, under "peculiar" circumstances, transferred the stock to this company.

For a history relative to the construction of this road and its final sale, see Senate Executive Document, 1st session, 50th Congress, Vol. III., testimony taken by Union Pacific Railway Commission, pp 1588-1595.

Leavenworth at the time, and subsequently at the time any new corral may be established:

To construct wherever the line of the said railroad shall meet any fence upon the said military reservation, secure cattle guards, such as will prevent the passage of cattle, sheep and swine into or out of the ground enclosed by said fences:— the said fence to be such as will give satisfaction to the principal officer of the Quartermaster's Department on duty at Fort Leavenworth.

To make a roadway by a good and substantial bridge and do all necessary work to make a good wagon road over the railroad at the point where the aforesaid railroad shall cross the existing main wagon road from Fort Leavenworth to Leavenworth City, to said bridge and roadway to be of the full width of the present road at the point above mentioned, and the approach to said bridge on either side to be filled so that there shall be a level grade from the bridge to the next rising ground.

To make up a line to be hereafter designated by the Chief Quartermaster at Fort Leavenworth, a road as a substitute for the existing road upon the western border of the prairie farm, —said road to be thrown up in the center and ditched on both sides.

To move and reset upon such lines as the Chief Quartermaster may designate such of the present fences upon the prairie farm as the aforesaid officer may think it necessary to move on account of the building of said railroad.

To build a bridge sufficiently wide for two wagons to pass each other upon it, over the cut which the company proposes to make through the ridge on the western boundary of the military reservation, and do all necessary grading for the approaches to said bridge so as to make a good and continuous wagon road at that point along said ridge.

In witness thereof the undersigned officers of the said Kansas Central Railway Company for and in behalf of the company have hereunto placed their hands and seals at Leavenworth, Kansas, the day and date first above written.

(Signed) L. T. SMITH,
President,
Kansas Central R. W. Co.

ATTEST:
(Signed) PAUL E. HAVENS,
Secretary.

A TRUE COPY:
(Signed) R. SAXTON,
Deputy Q. M. General.

In the 51st session of Congress Senator Plumb of Kansas introduced a bill (Senate No. 4974) confirming to the Kansas Central Railway the right of way granted it in the above license. The military committee to which the bill was referred submitted a report with amendment, but no further action was taken.

In 1901 the Secretary of War granted to this road the right of way for a switch under the following terms:

The Leavenworth, Kansas & Western Railway Company is hereby granted a license, revocable at will by the Secretary of War, to lay a spur from its main track on the military reservation of Fort Leavenworth, Kansas, to the line of the new penitentiary grounds, as shown in yellow upon the attached blue print upon the following provisions and conditions:

That any sum which may have to be expended after the revocation of this license, in putting any premises or property hereby authorized to be occupied or used in as good condition for use by the United States as it is at this date, shall be repaid by said Leavenworth, Kansas & Western Railway Company on demand.

Witness my hand this 12th day of July, 1901.

[Signed] ELIHU ROOT,
Secretary of War.

In 1908 the Secretary of War granted this road a revocable license¹ to connect its lines near the post with the terminals constructed by the government to give it access to the public storehouses.

Leavenworth Northern & Southern **Operated By** **Atchison, Topeka & Sante Fe**

This road enters the reservation from the south, near the west line, leaving same about half the distance north. It runs between the main line of the

¹ Official copy in office of Quartermaster.

Santa Fe on the south at Holliday, and the main line of the same road on the north, connecting at Atchison. It is owned and operated by the Santa Fe railway company and was constructed in 1886-7 under the following act of Congress:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled: That the right of way not exceeding one hundred feet in width is hereby granted to the Leavenworth Northern & Southern Railway Company, a corporation created under the laws of the state of Kansas, to construct and operate a railroad across and over the military reservation at Fort Leavenworth, in the state of Kansas, upon such lines as shall be designated by the Secretary of War; *Provided*, That if any part of the line to be so designated and fixed by the Secretary of War for any other railroad company, all differences between such companies as to the occupying of such line, and as to any compensation to be paid therefor, shall be determined by the Secretary of War; *And provided further*, That no further interference with any railway line now in operation on said reservation shall be made than the public interest shall require.

Approved July 3, 1886.

February 15, 1909, the United States Senate passed a joint resolution (Senate No. 127) authorizing an extension of the track of the Atchison, Topeka & Santa Fe Railroad on the reserve for the purpose of connecting them with the government terminal switch track.

The resolution did not come up in the House of Representatives for consideration before the session closed March 4th.

Terminal Facilities

With the enlargement of the post to conform to recommendations made in 1899 by a board of officers better terminal facilities for the handling of troops as well as supplies became a necessity.

For many years the Missouri Pacific railway was the only local road to enjoy terminal facilities and these

only because it ran directly through the post proper, though the location made them very inconvenient and a heavy charge upon the cost of hauling supplies to and from the depot. Other railways realizing the proposed increase of the garrison meant an increased haulage determined to obtain closer connection with the government storehouse and promptly sought switching facilities to connect with their lines. To meet this situation, and to prevent the cutting up of the lands by tracks, General Bell, commanding the post in 1903-4, recommended that the government build its own terminals and thus give free access to all roads, playing favorites with none. This view the war department adopted.

The tracks were to run from the southern boundary of the reserve near Two Mile Creek directly north, alongside the Missouri Pacific railway to a point now known as Normoyle Junction where the tracks divert towards the storehouses. The road is now in operation from Normoyle Junction and all freight is temporarily handled by the Missouri Pacific railway, and placed upon the storehouse tracks in the post. Much of the heavier work of the line south of Normoyle Junction has been completed but it may be some time before finished for operation.

The labor has been performed by inmates of the U. S. Military Prison under the direction of the Constructing Quartermasters Captain James E. Normoyle and Captain Wm. D. Davis. The latter succeeded Captain Normoyle and the greater portion of the completed work has been accomplished under his personal direction.

[APPENDIX "C"]

Opinion of Attorney General.

DEPARTMENT OF JUSTICE,
WASHINGTON, D. C.

November 5, 1872.

SIR: I have the honor to acknowledge the receipt of your communication of the 18th instant, submitting for my official opinion the question "whether the acts of Congress granting right of way to railroad companies through the military reservation at Fort Leavenworth authorize them to erect such structures within the limits of the right of way as they may choose, or whether the privilege granted them by the said acts was simply for the construction of their roads."

From the papers and map which accompany your communication, it appears that the Chicago & Southwestern Railroad company have constructed from a point within the reservation two tracks for their road, leading to Leavenworth City, one for passenger and one for freight cars, and between these tracks, at a distance of 300 feet from each, another leading to cattle yard, established for the use of the company.

The acts of Congress referred to are the acts of July 20, 1868, authorizing the construction of a bridge across the Missouri river, the 3d section of which provides "that for the use of railroads leading to said bridge from either side of the river there is hereby granted a right of way through said Fort Leavenworth military reservation, not exceeding for all said roads 300 feet in width, provide that said roads do not in any way interfere with the public buildings on said military reservation," and the act of July 27, 1868, granting severally to two railroad companies the right of way, not exceeding 100 feet in width for each, "to construct and operate a railroad across and over the military reservation at Fort Leavenworth * * * upon such line as shall be designated and fixed by the Secretary of War."

According to well recognized rules of law, these acts should be construed strictly against the grantees. (*Mills et al vs. Saint Clair County*, 8. How., 581.) Justice Clifford delivering the opinion of the court in the case of *Rice vs. Railroad Company*, (1 Black, 358,) says: Whenever privileges are

granted to a corporation, and the grant comes under revision in the courts, such privileges are to be strictly construed against the corporation and in favor of the public, and that nothing passes but what is granted in clear and explicit terms." Whether the railroad companies have the right to erect structures within the limit of the grant made to them by said acts is partly a question of fact as well as of law. All are undoubtedly conveyed by the grant. (*Appleton vs. Fullerton*, 1 Gray, 186.)

Admitting that to operate a railroad successfully in Kansas it is necessary to have cattle yards connected with the road, it does not follow that wherever there is a right of way for such a road there is a right also to have such yards. To grant a railroad company a right of way through the streets of a city would not imply the right of the company to build cattle yards in such streets, while under some circumstances such a grant through wild public lands might be construed to give that right. Associated with the idea of a military reservation are those ideas as to use and appearance which make it doubtful whether Congress intended to give to the companies any more than, after the construction of a suitable road, the right of transit with their trains thereon; but be that as it may, it is clear that Congress did not intend to give to the companies the right to erect unsightly or offensive structures upon the reservation. Assuming it to be true that (as the commanding general states) "the establishing of cattle-yards anywhere within the limits of the reservation will seriously interfere with the public interests," it thence follows, in my judgment, that such structures are not warranted by law.

Possibly it may be more convenient, but it cannot be indispensable to the operation of the railroad to have cattle yards located inside instead of outside of the reservation; and it is too plain for controversy that the direction and ordinary use of such inclosures are wholly incompatible with the military use of the reservation. Congress evidently made the grant with a view to the continued use and enjoyment of the reservation by the military; and it seems to me, therefore, that the railroad companies have no right to interfere with those ends further than the reasonable necessities of their roads and the business upon them may require.

I cannot, upon the information I have as to the circumstances of the reservation and railroads running through it, decide definitely as to whether any building or structure connected with such roads is allowable within the right of way

across said reservation; but I am clearly of the opinion that the right of way by said acts does not give to the railroad companies the right to build or have cattle yards, or structures of a like description, in their roadway or elsewhere upon said reservation.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,

Attorney General.

Hon. Wm. W. Belknap,
Secretary of War.

DIVISION IV

Rapid Transit Facilities

Prior to 1888 the post population enjoyed only such facilities to reach the city or return as could be furnished by official conveyance or private hire.

As early as June 17, 1863, the war department granted a license to the Leavenworth City Railway Co., to cross the reservation, with the evident purpose of furnishing rapid transit according to the character of motive power then existing, but the line was never constructed. Effort to secure a copy of the license issued has failed, there being nothing on file in the War Department except a letter of acceptance.

Some time in the eighties a "herdic" line was established, giving relief, both in providing rapid transit and cheaper fares. This was followed up with the establishment of a regular bus line and a further reduction of fares, ten cents one way, or fifteen the round trip.

In 1888 Congress granted a right of way to the Kansas City, Wyandotte & Northwestern Railway, (now the Kansas City-Northwestern) to build a standard guage road (dummy line) between the post and city. This line was duly constructed and is the foundation for the splendid rapid transit facilities now enjoyed by the residents of the post.

Later a company was organized to build an inter-urban electric road between Leavenworth and Kansas City under the name of the Leavenworth-Lansing Railway Company. This company constructed its line between the two points named and, when ready

for operation, was superceded by another company under the name of the Kansas City-Leavenworth Railway Company.

The dummy line to the post, having in the meantime been "electrified" (1894), the newly organized company purchased the line to be operated in connection with their Leavenworth lines which had already fallen into its possession.

In 1898 (May 17), the company secured a license from the War Department authorizing a change of route from along the river, directly across the reservation from along the street in the city where its line intersects with Metropolitan avenue. On account of the war with Spain, and for other reasons, the company delayed the building of this new line until in 1900, the Secretary of War, in view of the improvements then going on at the post, declined to permit this license to stand and granted a new license under date of August 25, 1900. (See license appendix 'D'.) The secretary took the position that it was not for the best interests of the military service to permit the line to cross the military reservation as authorized in the grant of May 17, 1898. Later the company asked for a modification of the terms imposed by this grant, but was advised that the change requested was against public policy, and unless it began the construction of its new line as provided for in the grant of August 25, 1900, within thirty days from the date of the communication, the privileges therein granted would be revoked.

The company took the hint and began building its new line. Since that time the road has changed ownership as well as name and is now known as the Kansas City-Western Railway Company.

For several years the electric railway company operated its line along Metropolitan avenue between 4th and 7th streets. Since that time the stretch of

road along Metropolitan avenue has been discontinued and connection made directly with the line ending at North 7th street, which is the present route.

[APPENDIX "D"]

Grant, September 10, 1888

An act granting to the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That license and authority are hereby granted to the Leavenworth Rapid Transit Railway Company to construct and operate its railroad from its present terminus at the south boundary of the military reservation at Fort Leavenworth, Kansas, into and through said military reservation to a point and terminus near the military prison, and at its said terminus near said military prison to construct a depot and such side tracks, turntables and other facilities as may be necessary for the convenient operation of its said railroad; and for the purpose aforesaid, the use of a strip of land fifty feet wide for its right of way extending from the south boundary line of said military reservation to said terminal point near said military prison, and the use of a tract of land not exceeding two acres in area for said depot, side tracks, and terminal facilities, are hereby granted to said railway company; Provided, That the route of said railroad through said military reservation and the location of the depot grounds and the plans of the depot and all other buildings to be erected by said railroad company on said military reservation shall be submitted to and shall be subject to the approval of the Secretary of War; and said company, its successors and assigns, shall occupy and use said right of way and depot grounds subject to removal therefrom, and the revocation of the license and authority herein given, whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal.

Approved, September 10, 1888.

Revocable License, July 15, 1892

Harry L. Earle of Leavenworth, Kansas, is hereby granted a license revocable at will by the Secretary of War, to con-

struct, maintain and operate a street railway on the United States Military Reservation at Fort Leavenworth, Kansas; said railroad to commence at the intersection of Seventh Street in the City of Leavenworth, Kansas, with the south boundary line of the reservation and running thence north along the main road known as Grant Avenue to a point about midway between Grant Avenue and McClellan Avenue on Pope Avenue, the track to be located on the side of Grant Avenue between the row of trees and the fence, substantially as shown on the attached map; and to erect, maintain and use a small passenger station or waiting room at the northern terminus of said railway upon the following provisions and conditions:

1. That the track shall be single and laid at the side of the roadway, no obstruction of any kind or character shall appear above the level of the street and separate trestles shall be built over railroad tracks and ravines.

2. That the motors shall be operated with compressed air, making no noise, producing no smoke, steam, gas or other feature of nuisance or danger, and nothing offensive in the way of sight, sound or smell, and they shall be supplied with the best safety appliances known to street railway propulsion, that is, a reverse lever and air brake.

3. That the said street railway and passenger station shall be subject to such police and other regulations for the good order and discipline of the post of Fort Leavenworth, Kansas, as the commanding officer of said post for the time being may consider necessary and proper; and he may supervise the construction of the railway and passenger station so far as may be necessary to insure compliance with the terms of this license.

4. That any sum which may have to be expended, after revocation of this license, in putting any premises or property, hereby authorized to be occupied or used, in as good condition for use by the United States as it is at this date shall be repaid by said Harry L. Earle, on demand.

Witness my hand this 15th day of July, 1892.

(Signed) S. B. ELKINS,
Secretary of War.

The above license was amended by the Secretary of War under date of February 10, 1893, as follows:

Harry L. Earle of Leavenworth, Kansas, is hereby granted a license, revocable at will by the Secretary of War, to construct, maintain, and operate a street railway on the United States Military reservation at Fort Leavenworth, Kansas; said railway to commence at the intersection of Seventh street of the city of Leavenworth, Kansas, with the south boundary line of the reservation, and running thence along the west side and parallel to Grant Avenue, and at a distance from its western edge not less than fifty feet, to a point about midway between Grant Avenue and McClellan Avenue, on Pope Avenue, the cars to be run either by compressed air or trolley electric power; and to erect, maintain and use a small passenger station or waiting room at the northern terminus of said railway. This license is issued in place of the license granted to the said Harry L. Earle, July 15, 1892, which is hereby revoked, and this license is issued upon the following conditions and provisions:

1. That the said street railway and passenger station shall be subject to such police and other regulations for the good order and discipline of the post of Fort Leavenworth, Kansas, as the commanding officer of said post for the time being may consider necessary and proper.

2. That any sum which may have to be expended, after revocation of this license, in putting any premises and property hereby authorized to be occupied or used, in as good condition for use by the United States as it is as this date shall be repaid by said Harry L. Earle on demand.

Witness my hand this tenth day of February, 1893.

(Signed) S. B. ELKINS,
Secretary of War.

License Issued May 17, 1898

“Commencing at a point where Fourth Street in Leavenworth, Kansas, extended, intersects Metropolitan Avenue on the south side of the Military Reservation of Fort Leavenworth, thence along the north line of Metropolitan Avenue to a point opposite Fifth Street in Leavenworth, Kansas; thence in a northwesterly direction to a point just east of the roadway and sidewalk on Grant Avenue, said point on Grant Avenue, being about 1800 feet north of Metropolitan Avenue;¹ thence northerly, east of said roadway and sidewalk about

¹ It is proper to note here that the grant by the war department to lay tracks along Metropolitan Avenue, between Fourth and Seventh streets in the city of Leavenworth, was made in ignorance of the law setting aside 100

1600 feet, to a point where Grant Avenue can readily be crossed at grade; thence across said sidewalk and roadway to the west line of said sidewalks and roadways of Grant Avenue; thence northerly, west of said sidewalks and roadway of Grant Avenue and contiguous thereto, except near the summit of the hill, about 530 feet north of the crossing of said Grant Avenue, where the contour of the country makes it more difficult to follow close to said roadway, at which point said road may diverge from said Grant Avenue to a point west of said road, but not further west than the old gradeline known as the 'Earle' grade; thence in a northerly direction along the west side of said Grant Avenue, and its sidewalks and contiguous thereto in northerly direction to the south side of Pope Avenue, at the junction of Grant Avenue and where a suitable 'Y' and waiting room may be placed."

Revocable License Issued August 25, 1900

The Kansas City-Leavenworth Railway, assignees of the Leavenworth and Lansing Railway Company, is hereby granted a license, revocable at will, by the Secretary of War, to construct and operate a line of electric railroad across and over the military reservation of Fort Leavenworth, Kansas, along the following described route:

Commencing at the southeast corner of the reservation at a point where it joins the land of the Leavenworth Coal Company thence west, on and over what is known as Boundary or Metropolitan Avenue, being on the south side of said reservation to the intersection of said Boundary or Metropolitan Avenue with Grant Avenue; thence north, following the line of Grant Avenue on and over the old abandoned graded road-bed on the west side of said Grant Avenue, except that at Merritt Lake, the road shall be on a level with and adjacent to said Grant Avenue, to a point on the south side of Pope Avenue, at the junction of Pope and Grant Avenues, where suitable "Y" and waiting room may be placed upon the following provisions and conditions:

1. That the railway company shall commence the construction of the line within ninety days from the date of this license, and shall complete the same within eighteen months therefrom, and the failure to complete said line within eighteen months shall work a forfeiture of said line.

feet on the south line of the entire reservation for a public highway and post road and the authority granted to the railway company was therefore in violation of such law.—H. S.

2. That said road shall be located over and along the line granted by the engineer or quartermaster in charge of the improvement of the reservation, and under the direction of the commanding officer of the post of Fort Leavenworth, shall be built in a first-class manner and operated only by electricity.

3. That the fare between any point on the route of said railway to any other point, on the reservation, shall not exceed five cents and that the fare charged from any point on the reservation to any point in the city of Leavenworth shall not exceed ten cents; *Provided*, That said company shall continue the issuance of tickets in book form, for sale at reduced rates, as at present to officers and men of the garrison at Fort Leavenworth, Kansas.

4. That the cars on said road shall run between points on the reservation and the city of Leavenworth at least every twenty minutes during the day time until twelve o'clock midnight.

5. That authority be reserved for such police regulations as may be deemed right and proper by the Secretary of War.

6. That within thirty days from the granting of this license the said company shall file with the Secretary of War its acceptance of same, therein agreeing to conform to the conditions herein specified and fully complying therewith.

7. That any sum which may have to be expended, after revocation of this license, in putting any premises or property hereby authorized to be occupied or used, in as good condition for use by the United States as it is at this date, shall be repaid by said Kansas-City-Leavenworth Railway Company on demand.

This license is given in lieu of license, dated May 17, 1898, to the Leavenworth and Lansing Railway Company, which is hereby revoked.

Witness my hand this twenty-fifth day of August, 1900.

(Signed) ELIHU ROOT,

Secretary of War.

DIVISION V

Bridges

The high bridge across the Missouri River at Fort Leavenworth was constructed under authority of an Act of Congress approved July 20, 1868, granted to the Kansas and Missouri Bridge Company, incorporated under an Act of the Legislature of the state of Kansas, approved November 16, 1867.

The authority to construct the bridge is contained in the following act:

An act authorizing the construction of a bridge across the Missouri River upon the Military Reservation of Fort Leavenworth, Kansas.¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Kansas and Missouri Bridge Company, a corporation having authority from the state of Kansas, to build a railroad, transit, and wagon bridge across the Missouri river upon or near the military reservation of Fort Leavenworth, and that when constructed all trains of all roads terminating at the Missouri River at or near the location of said bridge, shall be allowed to cross said bridge for a reasonable compensation to be paid to the owners thereof. And in case of any litigation arising from any obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any state in which any portion of said obstruction or bridge touches.

Sec. 2. And be it further enacted, that any bridge built under the provisions of this act shall not be in any case of less elevation than fifty feet above extreme high water mark, as understood at point of location, to the bottom chord of the bridge; nor shall the spans be of less than two hundred and fifty feet in length, in the clear, and the piers of said bridge

¹ See correspondence, Ex. Doc. No. 108, H. R. 1867-8; also for legislative discussion pp. 3719 and 3967, part 4, Cong. Record, 1st Session, 40th Congress, 1867-8.

shall be parallel with the current of the river, and the main span shall be over the main channel of the river, at low water.

In February, 1869, a contract was made for the construction of the bridge at an approximate cost of \$700,000. The company placed upon the structure a mortgage of \$750,000 which was foreclosed in 1876, and sold to the Leavenworth Bridge Company, a corporation made up of the bondholders of the old company and organized for the purpose.

In 1880 a mortgage was made by the Leavenworth Bridge Company for \$600,000. In 1886 the bridge was partially destroyed by fire, and thereafter reconstructed. The mortgage upon the property made by the Leavenworth Bridge Company was foreclosed in 1886 and in 1899 the property was again sold at foreclosure to the Fort Leavenworth Bridge Company, the present owners.

The bridge was completed and opened to railway and wagon traffic on April 10, 1872. The first road to avail itself of this highway was the Chicago, Rock Island and Pacific Railway. In February 1891 the Chicago Great Western Railway entered Kansas over this structure. Upon the construction of the bridge across the river opposite the city the Rock Island discontinued its use on the night of December 31, 1893, and from that time has used the new bridge. The Great Western followed the Rock Island a year later. Since then this bridge has not been used for railway traffic.

NOTE—The people of Leavenworth County subscribed for 2500 shares of the stock of this company, each share having the value of \$100. This subscription was paid within two years. Through a manipulation of the stock by county officials the taxpayers lost control and never realized anything from their subscription.

DIVISION VI

Telegraph and Telephone Companies

Postal Telegraph-Cable Company

“The Postal Telegraph-Cable Company is hereby granted a license, revocable at will by the Secretary of War, to erect and maintain a telegraph line across so much of the Fort Leavenworth, Kansas, timber reserve in Missouri as may be necessary in building said line parallel to and five feet west of the west line of the right of way of the Chicago, Rock Island & Pacific Railway, where said right of way lies adjacent to the eastern boundary line of said timber reserve upon the following provisions and conditions:”

1. That the construction and maintenance of the telegraph line herein permitted to be erected shall be subject to such rules and regulations as the commanding officer of said reservation may from time to time make.

2. That any sum which may have been expended, after revocation of this license, in putting any premises or property hereby authorized to be occupied or used, in as good condition for use by the United States as it is at this date, shall be repaid by the said Postal Telegraph-Cable Company on demand.

Witness my hand this 28th day of February, 1901.

[Signed] ELIHU ROOT,

Secretary of War.

A license to run a telegraph line along the southern boundary of the reservation was granted October 1, 1901, to the Postal Telegraph-Cable Company.

Telephone Companies

On the 9th day of May, 1906, the Acting Secretary of War, Hon. Robert Shaw Oliver, granted a re-

vocable license to the Missouri and Kansas Telephone Company and the People's Home Telephone Company. Both instruments are identical in their requirements, and are as follows:

1. That the said licensee shall at its own proper cost and charges provide all manner of materials, labor and cartage of every description for the proper and complete installation, operation and maintenance of said telephone system.

2. That all work incident to this license shall be subject to the supervision and approval of the commanding officer of said reservation.

3. That the cost of the telephonic communication for the residents of said reservation shall be at a monthly rental of \$1.00 per month for two party line, and \$1.50 per month for special line per telephone; all government offices to be on special lines at the rate of \$1.00 per month per telephone.

4. That the United States shall not be held answerable or accountable for any loss or damage that shall or may happen to the said system or any part thereof respectively installed or for any of the materials or other things used and employed in the installation.

5. That upon the revocation or relinquishment of this license, the said licensee shall remove all its property from the said reservation within such time as the Secretary of War may indicate, and upon the refusal, neglect or inability to remove the same, the Secretary of War may cause such property to be removed at the expense of said licensee; and no claim for damages against the United States, or any agent or officer thereof, shall be created by or made on account of such removal.

6. That any sum which may have to be expended, after revocation or relinquishment of this license, in putting any premises or property, hereby authorized to be used, in as good condition for use by the United States as it is at this date, shall be paid by said licensee on demand.

7. That in order to minimize the danger of fires from electric wires, said licensee shall provide electric installation inside of buildings as good as that prescribed in like cases under the rules of the National Board of Underwriters.

8. That the installation and operation of the telephone system herein authorized shall be subject to such rules and regulations in the interest of good order, police and discipline

as may from time to time be prescribed by said commanding officer of said reservation.

People's Home Telephone Company

The People's Telephone Company, of Leavenworth, Kansas, is hereby granted a license, revocable at will by the Secretary of War, to extend its lines now on the U. S. military reservation of Fort Leavenworth, Kansas, across said reservation on the east side of the Missouri river, to the highway leading to Platte City, Missouri, upon the following provisions and conditions:

1. That said lines shall be located and constructed subject to the supervision and approval of the commanding officer, Fort Leavenworth, Kansas.

2. That any sum which may have to be expended, after revocation of this license, in putting any premises or property hereby authorized to be occupied or used in as good condition for use by the United States as it is at present shall be repaid by said The People's Telephone Company on demand.

Witness my hand this 8th day of April, 1901.

[Signed] ELIHU ROOT,
Secretary of War.

DIVISION VII

Water Supply and Sanitation

The method of supplying water for the garrison was, until 1865, of the most primitive character. It was undoubtedly abreast with the times, and, considering the general lack of facilities at far western posts, these methods were evidently equal to the best in this section. The water was delivered in barrels hauled around the post after having been filled on the banks of the Missouri. An early visitor to the post describes the machinery for supplying the water as follows: "The waterworks consisted of a six-mule team and wagon driven into the edge of the water about hub deep, and in the wagon eight or ten barrels, with the upper head out, set on end. The 'power' was a couple of prisoners from the guard-house, guarded by a sentry with musket and bayonet. One of the prisoners stood on the hub of the wheel, clinging to the top of the wagon box with one hand, while dipping up the water in a large camp kettle with the other, passing it to the other prisoner who stood in the wagon and emptied the water into the open barrels which were not covered to keep the water in; and the water-wagon was doing well if it reached the fort with each barrel two-thirds full. The team was then driven around in rear of the officers' and soldiers' quarters, the prisoners dipping the water out and filling the barrels kept near the back doors for that purpose."

In 1865, through the efforts of Colonel J. A. Potter, the depot quartermaster, steps were taken to improve the method for supplying the garrison with

water. A pumping station was erected on the bank of the river, about a quarter of a mile north of the high bridge spanning the stream. With this steam pump the water was forced to a large tank, having a capacity of 21,000 gallons, situated near the highest point of elevation in the garrison. This tank stood little east of Scott avenue and south of Pope Hall. The post was then supplied with two water-wagons, the bed being built in a long box shape to which were attached eight mules and the water hauled to all the quarters in the post. The tank was provided with an automatic attachment to cause the pump to do its duty or afford it relief according to the quantity of water in the tank. Cisterns were placed at numerous points in the post, in fact every set of officers' quarters was supplied with one for the storage of water and in season of draught were filled from the tank by hose. Unless the roof and guttering of quarters were kept clean of organic matter the result often was a contamination of the water in the cistern.

As the sanitary conditions were equally bad at the post General Pope, commanding the Department of the Missouri, appointed a board of officers in 1874 to consist of Major Glover Perin, medical director; Surgeon T. A. McParlin, post surgeon; and Major J. J. Dana, depot quartermaster, to make a thorough investigation of its sanitary condition. (The sinks throughout the garrison consisted of vaults dug in the rear of all habitable buildings, which, when they became too foul were filled up and new ones dug.) The board made strong recommendations, but as water was not abundant it was evident to the members that their views could not obtain, nor did until some ten years later.

General Pope's action in convening the board was based largely upon a report submitted by Surgeon McParlin to the following effect:

"Considering the importance, the size, and the character, as an established post having been occupied since 1827, and also the greater security in case of fire, it may be regarded as a matter of surprise and regret that the water supply has not been made adequate to all needs and emergencies. For the want of it, cesspits and cesspools continue to honeycomb and saturate the soil, and drainage is imperfect. On this account, except in summer, bathing facilities for all the men cannot be supplied—inasmuch as the water has to be hauled in quantity only available by water wagons. Indeed very few of the officers—and those of high rank—have proper facilities for hot and cold water supplied in a bath room for themselves or their families. Officers of moderate means cannot afford to purchase expensive copper boilers and bathroom fixtures and then, turned out of quarters by a senior officer, remove them to another set.

"The expenditure by government of a sum adequate to give a constant supply of water, and the purchase of necessary fixtures, and appliances for baths would be a great and salutary improvement and raise this extensive and important command nearer the plane of health and the sanitary standard attained at other stations in the army and navy."

The post's modern system of water supply was secured by Captain Lafayette E. Campbell, assistant quartermaster. This officer came here from San Antonio, Texas, in 1883, and at once set to work to secure a change, from primitive to modern sanitary conditions. Within one year the mains of the Leavenworth City and Fort Leavenworth Water Company were laid along Grant avenue to the post and contract entered into with this company to furnish the water. The sanitary conditions received equal attention and to Colonel Otis, 20th Infantry, belongs the credit for the construction of the post sewerage system. Of course, the system has been greatly extended and improved but a number of the trunk lines are today as they were originally laid down by him.

Under the contract referred to it is provided that the company furnish and lay on the reservation 9,000 feet of standard 8-inch cast iron pipe to a depth of four feet and that for said work the company should be paid \$11,500 and the property thereafter to belong to the United States. It was further stipulated that for the supply of water for use in the post the company be paid a rental of \$500 per month. The right to renew the contract annually for twenty years was reserved, except in case of a material increase of consumption, and then to be paid at a rate to be agreed upon between the department commander and the company. The contract is signed by Major James Gillis, chief quartermaster and Len T. Smith, president of the water company. This contract is as follows:

ARTICLES OF AGREEMENT entered into at Fort Leavenworth, Kansas, this day of June, 1884, by and between Major James Gillis, Quartermaster, U. S. Army, Chief Quartermaster Department of the Missouri, party of the first part, and L. T. Smith, of Leavenworth City, Kansas, President of the Leavenworth City & Fort Leavenworth Water Company, acting in his own behalf, and also as president, duly appointed and qualified, of said Leavenworth City & Fort Leavenworth Water Company, an incorporated company of the said state of Kansas, party of the second part:

THIS AGREEMENT WITNESSETH, that the said party of the first part, for and in behalf of the United States of America, and the said party of the second part, for and in his own behalf, and as President as aforesaid for and in behalf of said Leavenworth City & Fort Leavenworth Water Company have mutually agreed, and by these presents do mutually agree to and with each other as follows, namely:

ARTICLE I. That the said party of the second part shall furnish and lay on the military reservation at Fort Leavenworth, Kansas, nine thousand (9000) feet of standard—eight (8) inch cast iron water pipe now in use on said military reservation. The pipe to be laid four (4) feet deep, and all work to be perfect in every respect, and subject to inspection by the depot quartermaster at Fort Leavenworth, Kansas.

ARTICLE II. That for and in consideration of the faithful performance of the stipulations of this agreement, the party of the second part shall be paid at the office of the depot quartermaster the sum of eleven thousand and five hundred (\$11,500.00) dollars.

ARTICLE III. It is expressly understood by the parties to this agreement that upon the acceptance of the pipe, and payment made therefor, the said nine thousand (9000) feet of pipe shall be the property of the United States, and that thereafter a contract shall be entered in for the supply of water on the Military reservation at Fort Leavenworth, at a monthly rental of five hundred (\$500.00) dollars, and that the United States shall have the right to renew the said contract annually for twenty years, at a rental of five hundred (\$500.00) dollars per month, except in case of material increase of consumption and then to be paid at a rate to be agreed upon between the department commander and the Water Company.

In witness whereof, the undersigned have hereunto subscribed their names and affixed their names the day and the date first above written.

JAMES GILLIS,

*Major and Quartermaster, U. S. Army,
Chief Quartermaster, Department of the Missouri.*

L. T. SMITH,

*President, Leavenworth City and
Fort Leavenworth Water Company.*

In the early days of the present reconstruction period Colonel William Cary Sanger, Acting Secretary of War, and General W. H. Carter, visited the post for the purpose of investigating the advisability of installing government water works. The scheme met with the approval of Secretary Root and funds were made available. Engineers were employed to make the necessary surveys and a full report of the cost submitted.

It was intended to place the reservoir upon the highest point on the bluffs west of the post. This step, however, met with serious opposition from the private company, which, through its directors residing in the East, made use of influence at their com-

mand to prevent this proposed improvement. The department, however, refused to relent until it wrung from the company not only concessions of a favorable kind, but secured a great improvement in the quality of the water thereafter furnished.

On July 1, 1907, a new contract was entered into with the Company to run for eighteen years, the right, however, being reserved by the United States to withdraw from it at any time, upon due and sufficient notice. This contract is on file in the office of the quartermaster.

DIVISION VIII

Roads and Avenues

Prior to 1887 there had been no "official" attempt made to name the post's avenues. During that year, Brigadier General Orlando B. Willcox, commanding the Department of the Missouri, directed that a board of officers convene for this purpose. The board decided to name all avenues running to and from the river, in honor of officers of the navy, and all others in honor of officers of the army. All avenues located since that time, particularly those in the college section, have been named by General Bell, commandant of the service schools.

Until 1888 Scott avenue was known as Arsenal Avenue, its name being derived from the fact that it lead directly towards the main entrance of the Arsenal grounds. That year, however, General Merritt caused its name to be changed to Scott Avenue; the board of the former year, on the ground that the avenue was so well known by its name, declined to change it.

The board also extended the name of Pope to that portion of the avenue extending west from Grant, towards the National Cemetery, and is in continuation of the avenue bearing the name having its eastern beginning at Scott Avenue.

Sumner Place was until 1887 known as the Main Parade.

For further particulars as to the location of avenues as named by the board see Book FF in office of post quartermaster.

Metropolitan Avenue

The avenue bearing the above name is one hundred feet in width and runs along the entire southern boundary of the reservation, forming the dividing line between the city of Leavenworth and the reserve. It was set aside by Congress for a public highway under the act set out below. As indicated by Section 2 of the act, title in the land is retained by the United States and its jurisdiction thereover continues.

The act follows:

An Act donating a portion of the Fort Leavenworth military reservation for the exclusive use of a public road.¹

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a strip of land one hundred feet in width along the southern boundary of the Fort Leavenworth military reservation, in the state of Kansas, extending from the Missouri river to the western boundary thereof, be set apart for the perpetual and exclusive use of a public road; and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

Sec. 2. And be it further enacted, That Congress may at any time amend or repeal this act.

Approved July 27, 1868.

Grant Avenue

This avenue connects the post with the city of Leavenworth and was commonly known as the Fort road until 1887, when it was given its present name. Until 1876 the road made direct connection with the city at North Fifth Street. The stretch of road running to Seventh Street at Metropolitan Avenue after passing the cut south of the railroad viaduct, was not opened until that time. At the south end of the cut the old road took a southeast direction towards North Fifth street.

¹For discussion of this measure see Cong. Rec., pp 3956 and 4493, part 5 2d session 40th Cong. 1867-8.

In the early seventies the road was graded under the direction of General John Pope, an appropriation of \$15,000 having been made by Congress. In 1889 the trees on each side of the avenue were set out by military prisoners under the direction of Captain J. W. Pope, Commandant of the Military Prison. This officer also caused the construction of a brick sidewalk along the west side of Grant Avenue from the post to the city. This work was done in 1894 and 1895, just prior to the prison's abandonment and transfer to the Department of Justice.

Sheridan's Drive

This roadway runs along the summit of the bluffs forming the western boundary of the post and is used exclusively for pleasure. It was constructed by direction of General Sheridan and has always been known as "Sheridan's Drive." These bluffs rise about 200 feet above the surface of the garrison and furnish a magnificent view of the country and the Missouri river. Its initial point is almost at the very south line of the reserve and ends at its north line, furnishing at the last named point a view of the river northward with Atchison, a distance of fifteen miles, in sight. The old town of Weston, Mo., is almost opposite.

After the drive was constructed, the bluffs were pierced for a railway track by the Kansas Central Railway Company, and to preserve the drive's continuity a clause was inserted in the license granted by the department providing that the company—

"Build a bridge sufficiently wide for two wagons to pass each other upon it, over the cut which the company proposes to make through the ridge on the western boundary of the military reservation, and do all the necessary grading for the approaches to said bridge so as to make a good and continuous wagon road at that point along said ridge."

No part of this agreement has been complied with by the railroad company. Since then Congress gave a grant to the Leavenworth Northern & Southern (Santa Fe) Railway Company to pass through the reservation, piercing the bluff immediately south of the Kansas Central cut, but no provision was made for the construction of a viaduct to permit a continuity of the drive.

A few years ago it was discovered by parties owning the property adjoining the reserve on the west that part of the drive was upon their lands. A survey was directed by the military authorities and this contention by the owners confirmed. Through the efforts of Hon. Charles Curtis, a member of Congress from the district in which the post is situated, an appropriation of \$9,300 was obtained for the purchase of the land which theretofore had been considered as a part of the reserve. It amounted to 100.91 acres.

The deeds for these lands are made of record in the office of the register of deeds for Leavenworth county for the year 1902. The parties, together with the parcels of land purchased from each, are as follows:

Deed from Lorenzo Kern, conveying 14.21 acres.

Deed from John J. Steinbach and wife, conveying 20.35 acres.

Deed from Leo Hund and wife, conveying 20.90 acres.

Deed from Mike Kern and wife, conveying 35.45 acres.

Merritt Lake

Named in honor of Major-General Wesley Merritt, U. S. Army.

This small body of water was formed by the construction of a high wall dam on the west side of the large stone culvert crossing Grant avenue over One Mile creek. This stream is formed by two small branches coming from opposite directions at the head

of the lake—mere draws, draining the water from the rising ground just beyond. General Merritt believing that a small lake at that point would aid in beautifying the grounds, directed the construction of the wall to form the dam. When finished the lake was named in the General's honor. Later the lake was filled with fish by the state fish commission, and a part of the expense was borne by the officers then serving at the post. In reality a "stock company" was created and the right to fish, after a time, was reserved to these contributors. Each officer was issued a certain number of shares and these constituted the authority to fish in the lake. A transfer of such shares usually followed on transfer to other stations. The right to fish was frequently granted to non-shareholders by those who held the stock. Time, however, has wiped out the shares and authority to fish, with a view of protection to the fish in the lake, can only be obtained from the post commander.

Corral Creek

This stream crosses Grant Avenue immediately south of the railway viaduct, from west to east, emptying into the Missouri River. By other than the military it is known as Two Mile Creek.¹ On all military maps, however, it is designated as Corral Creek. It secured this last name on account of its passing through a section of the reserve for many years used

¹It was the custom in all new settlements and particularly in a country that had never been surveyed, nor its streams named, to reckon all distances from some particular point or place. When the post was located distances were usually reckoned from the flagstaff and by creeks. It was only natural therefore that first creek south of the flagstaff, should be called One Mile. While this stream is only one half the distance it answered the purpose. The next stream is about one mile to the south and this was designated Two Mile. Thus we have Three Mile running through the heart of the city of Leavenworth. Within the county of Leavenworth they numbered up to Nine Mile.

as a mule corral. The organization at the post of expeditions in the earlier period of its history required the retention here of thousands of mules for necessary wagon trains and a section of the reserve was necessary for a corral. It was continued for many years subsequent to the civil war, and not until the latter eighties finally abandoned. As high as three thousand mules could be obtained from the corral at one time, and there were periods when the depot quartermaster was responsible for five thousand head. During pasturage season, and often for the winter, large herds were sent to different sections of the county where excellent pasturage could be obtained or their wintering provided for. Platte county, too, fed many of these herds. They were usually in charge of men employed for the purpose by the government. It was seldom that the government lost any of these animals.

DIVISION IX

Purchase and Lease of Lands

Leavenworth Coal Company

Under an act of Congress approved July 20, 1868, the Leavenworth Coal Company was authorized to purchase twenty acres of land in the south-eastern corner of the Fort Leavenworth reservation.

The boundary lines of this piece of land and the terms under which purchase was made are contained in the act and are as follows:

An Act to authorize the sale of twenty acres of land in the military reservation at Fort Leavenworth, Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Leavenworth Coal Company, being the successors and assigns of Samuel Denman, William H. Russell, and Thomas Ewing, junior, in the lease aforesaid, shall have the right to purchase from the United States twenty acres of land lying in the military reservation at Fort Leavenworth, Kansas, and described as follows: beginning at the intersection of the south line of the reserve and the Missouri river, thence westwardly in a line parallel to the south line of the military reserve, thence southwardly in a line at right angles with the south line of the military reserve, thence southwardly in a line at right angles with the south line of the military reserve to the point of beginning, the said lines to be run so as to make the form of the said twenty acres as nearly square as practicable. The said Leavenworth Coal Company shall pay therefore the sum fixed by the United States district judges of the State of Kansas, the eastern district of Missouri, and the northern district of Illinois, whose reasonable expenses shall be paid out of any money in the treasury not otherwise appropriated; and said lease is hereby extended sixteen years from the passage of this act.

Sec. 2. And be it further enacted, That upon the payment of the purchase money for the same, the Secretary of the Interior is hereby directed to issue to the said Leaven-

worth Coal Company and its successors and assigns a patent for the above described lands, which patent shall also grant to the said company and its successors and assigns, the exclusive right to mine for all coal underlying the lands now comprised in the military reserve aforesaid.¹

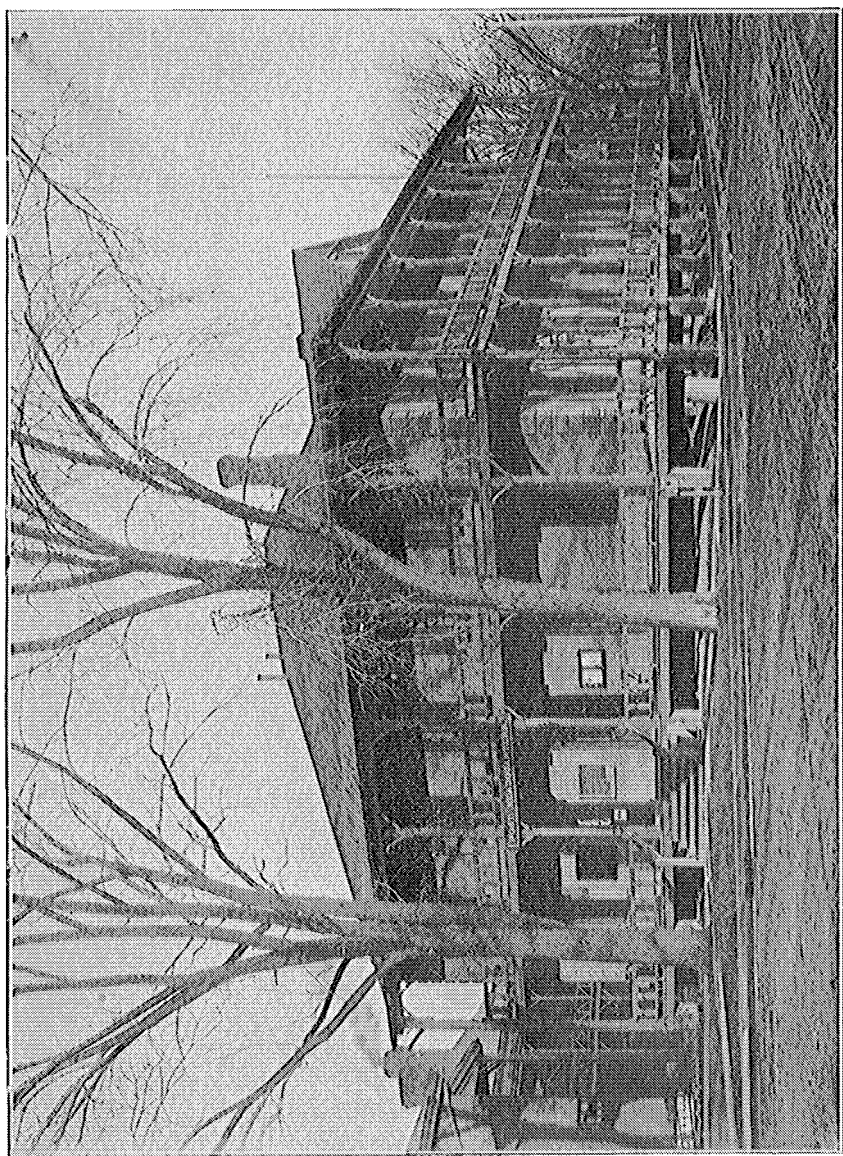
Approved, July 20, 1868.

Major Frederick Hawn, for many years a resident of Weston, Mo., a geologist of considerable note, while engaged as an assistant to Professor Swallow in a geological survey of Platte County, Mo., in 1851, on an examination of his notes, conceived the idea that coal was underlying the lands of Leavenworth County as well as those of Platte. Later Major Hawn made a survey at his own expense, confirming his first impression, that coal existed under the Leavenworth lands at a depth of 700 feet. After much effort he finally secured the organization of a company with considerable capital to sink a shaft. This company consisted of Thomas Ewing, jr.,² William H. Russell, Samuel Denman and Major Hawn.

Under the then existing custom the quartermaster of the post, Captain Stewart Van Vliet (November 13, 1860) leased to this company, by direction of the Secretary of War (Floyd), a strip of land comprising twenty acres, situated in the southeast corner of the reservation. The lease was to run for sixteen years and authorized the mining of coal under the entire reservation. For this privilege the company agreed to furnish the government all the coal required at the post and to pay a royalty of one-fourth cent per bushel on all coal mined. The company was also to have preference for an extension of the time upon the expiration

¹ For discussion of this measure see pp 2681 and 3983, part 4, Congressional Record, 2d session, 40th Congress, 1867-8.

² General Ewing was a distinguished officer of the Army during the civil war. Prior to the war he was a resident of Leavenworth being a member of the law firm of Ewing, Sherman & McCook. Sherman later became one of the leaders in the civil war and McCook belonged to the great fighting family of McCooks of Ohio.



of the original period for which the lease was granted. All of the provisions of the lease were accepted in good faith by the company, and as an earnest of its purpose, prosecuted the mining operations with vigor, but under very many trying difficulties, and at a very great expense. They finally succeeded in striking the coal beds (713 feet) as predicted by Major Hawn, having expended the entire capital of \$40,000.

It was then discovered that the lease was invalid because the right theretofore exercised by the Secretary of War to grant license for the purpose stated no longer existed in the War Department, and which had the effect of excluding the lessees from further operation on the reservation.

This forced the lessees to appeal to the legislature of Kansas for assistance to secure for it an authorization from Congress to make valid the aforesaid lease. That body, on February 18, 1868, passed a joint resolution authorizing the purchase of twenty acres, for which the government secured \$1,400.

General Merritt, in a special report to the War Department (1887-88), called attention to the rights exercised by this company, first, by the lease made in 1860, and afterwards under the act of Congress of 1868. This privilege, said the General, granted by lease, legalized and extended by act of Congress, expired years since, and the "coal company has in no instance, so far as can be discovered, observed the terms of remuneration due, under the lease, to the government."

The matter was referred to the Department of Justice and suit entered against the company. Engineers were sent here by the government and a thorough survey made of the mines with a view of ascertaining just what amount was due in royalty to the United States. The controversy was carried on

for some years, but finally settled out of court. Since that time, it is asserted, the company has not mined under the reservation.

Leavenworth City and Fort Leavenworth Water Company

The Leavenworth City and Fort Leavenworth Water Company exists under articles of incorporation granted under the general laws of incorporation of the state of Kansas in 1882. Its plant is located in the northeast corner of the twenty acres of land purchased by the Leavenworth Coal Company from the United States, and in part on lands owned by the United States.

The water is forced through settling reservoirs from the bank of the river to a main supply reservoir on Pilot Knob, the highest point in this section, furnishing a pressure sufficient to reach the highest buildings in the city.

After a number of years of operation the company found it necessary to increase its reservoir capacity and applied to Congress for the purchase of ten acres of ground adjoining the coal company's lands on the north upon which to place additional reservoirs. The grant was authorized in an act approved June 6, 1888.¹ The War Department was directed to appoint a board of officers of the Army for an appraisement of the land.

The commission placed an appraisement of \$800 per acre on the land. The company considered the price set too high and declined to accept it. General Merritt,² in command of the Department of the Missouri, thereupon recommended that the company be permitted to occupy so much of the lands on the

¹For full text of the act see Appendix E.

²Annual Report, 1888.

reservation adjoining its plant as may be deemed necessary for settling reservoirs. He suggested such an arrangement be permitted indefinitely and without expense for rent to the water company. The General made this recommendation on the ground that the company is a benefit to the post as well as to the city of Leavenworth, and because the giving of land which is necessary for a public purpose free of rent to the government is better for the interests of all than to sell, at any price, land which may in the course of time be devoted to purposes hurtful to the reservation.

The General did not wish to be understood that the purchasers had ulterior designs, but as only part of the purchase was to be used as a reservoir, and as the lands and water works may pass into other hands, he believed it only fair to the government interests that there should be some safeguard against the lands being used for any other than legitimate purposes.

The War Department accepted the recommendation of General Merritt and obtained the passage of an act, approved March 2, 1889, in which the lease was authorized. (See appendix F.)

Purchase of Land

The Army appropriation act for the fiscal year ending June 30, 1910, carries an item of forty-one thousand dollars (\$41,000.) to permit the purchase of three hundred and twenty acres of land adjoining the northwest boundary of the reserve. The required extension of the post target range, and the great range of the present army rifle, led to complaints from adjoining farmers on account of stray bullets falling in their direction. Under these circumstances it was deemed advisable, rather than risk the danger of destroying life, to purchase these lands and include them within the Fort Leavenworth reservation.

At the time of writing this paragraph the purchase of the land has not been concluded, though negotiations are pending.

[APPENDIX "E."]

An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the state of Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the Leavenworth City and Fort Leavenworth Water Company, of Leavenworth, Kansas, a body corporate, organized and existing under the laws of the state of Kansas, shall have the right to purchase from the United States, that parcel and tract of land in the military reservation at Fort Leavenworth, state of Kansas, bounded and described as follows: Beginning at a point on the north line of Metropolitan avenue in the extension of said west line, five hundred feet; thence north in the extension of said west line, five hundred feet; thence east parallel to the north line of Metropolitan avenue, eight hundred and twenty-five feet, more or less, to railroad right of way; thence on the west line of the said right of way, five hundred and three feet, more or less, to the north line of Metropolitan avenue; thence west on the north line of Metropolitan avenue, eight hundred and fifty feet, more or less, to the place of beginning; containing nine and three-fourths acres, more or less, reserving to the United States or assigns, the coal or royalty for coal underlaying the same.

SECTION 2. That the Secretary of War is hereby directed to appoint a commission of three competent army officers, which shall, without unnecessary delay, examine and report the value of the tract of land hereinbefore described, and report to the Secretary of War. On receipt of said report, the Secretary of War shall forward a certified copy thereof to the Secretary of the Interior and the Leavenworth City and Fort Leavenworth Water Company: *Provided*, that the report of the board of army officers on the subject of the value of the land in question, shall not be operative until the same is approved by the Secretary of War.

SECTION 3. That whenever the Leavenworth City and Fort Leavenworth Water Company aforesaid, being thus notified of the valuation of said lands, shall pay to the Secretary of War, in lawful money, the amount of said appraisal, and shall notify the Secretary of the Interior of such payment, it shall be the duty of the Secretary of the Interior to cause to

be issued to the Leavenworth City and Fort Leavenworth Water Company, a patent to said lands, and on such deposit being made and notice to the Secretary of Interior being given, the said company may enter upon, possess, use, and occupy the said lands.

Approved June 6, 1888.

[APPENDIX "F."]

An act to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of War be, and is hereby authorized and directed to lease to the Leavenworth City and Fort Leavenworth Water Company, the following described tract of land in the military reservation at Fort Leavenworth, in the state of Kansas.

Beginning at the northwest corner of the twenty acre tract of land formerly in the said military reservation, granted to the Leavenworth Coal Company, by an act of Congress approved July 20, 1868; running north in extension of the west line of said twenty acre tract, five hundred feet; thence east parallel to the north line of the said twenty acre tract, eight hundred and twenty feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way, five hundred and three feet, more or less, to the north line of said twenty acre tract; thence west on the said north line to the place of beginning, containing nine and three-fourths acres, more or less, reserving to the United States or assigns, the coal or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said company to supply the troops at Fort Leavenworth, and its patrons with pure water: *Provided*, that the company shall have the free and uninterrupted use of said tract of land for the purpose above named, under the direction and control of the Secretary of War, so long as it is so used, and that when they cease to occupy and use it for such purpose, the lease shall be null and void.

SECTION 2. That the act of Congress entitled "An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the state of Kansas," approved the sixth day of June, anno Domini, eighteen hundred and eighty eight, be, and the same is hereby, repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

Approved March 2, 1889.

DIVISION X

Educational and Religious

Post Public School

(District No. 81.)

The educational facilities for the children of the post prior to 1901 were quite limited.

The writer, believing the time had arrived when something should be done to secure better school facilities, resolved to meet the situation.

Under an act of the legislature of the State of Kansas, approved March 29, 1901, the Fort Leavenworth Military Reservation was organized as a separate school district of the County of Leavenworth, conforming in management and support to the general public school system of the state, the school to be maintained only by and with the consent of the United States.

On September 15, 1902, Mr. W. N. Todd, chairman of the Committee on Ways and Means of the Board of Education of the city of Leavenworth, submitted and secured the adoption of the following resolution:

“That Regulation No. 7 be amended by adding the following: *Provided*, That no tuition shall be charged residents of Fort Leavenworth and Soldiers’ Home, in the graded schools. It is the sense of this Board that no tuition be collected from High School pupils, and that pupils of the Fort and Soldiers’ Home be considered as resident pupils”.

Until the schools of the city of Leavenworth were opened to the post children in compliance with the above resolution, all non-resident children attending them were required to pay a tuition fee. It was contended that Fort Leavenworth, for all real

purposes, is a part and parcel of the city. While the residents of the post were exempt from taxation, they were brought into close business relations with the city, and inasmuch as there was no public school at the post, the doors of the city schools should be thrown open to them.

In a paper read before the Commercial Club of the city, in December, 1901, on "Fort Leavenworth: Its Relations to the Business Interests of the City", the writer was of the opinion that: "If you desire to retain the friendship of these people; if you desire to maintain the closest relations with them, both socially and commercially, you should ever be ready to show them by your actions, and not by honeyed words alone, that you desire their good will."

The fight for free schools in the city for the children of the post became only successful when the members of the board opposed to the proposition were refused a re-election and men chosen who favored it.¹ Among the latter class was the gentleman named who submitted the resolution to the board. Pending the settlement of this question the writer concluded a public school for the post, independent of the city, was desirable and obtained the legislation above referred to.

¹ Western Life:—In opening the doors of our public schools to the children of Fort Leavenworth and the Soldiers' Home, on the same footing with the actual resident children of the city, the board of education has done a commendable thing. It is our duty to cultivate the most friendly relations with the people of the Fort and Home and every action of this character will be viewed in the spirit in which it is taken.

The vote on the proposition was almost unanimous and the people will approve its action.

To Mr. Henry Shindler much of the credit is due for finally securing favorable results. He has been endeavoring to obtain this privilege for the past two years. It has required a complete change in the personnel of the board. Not another man in this community is so well qualified to discuss every phase of Fort Leavenworth affairs as Mr. Shindler and the presentation of the facts to the present board, made up of broad minded men, has been done in a manner that carried conviction with it.

Up to the time of this enactment the reservation had been divided by the county Superintendent of Public Instruction for school taxing purposes, adding the divisions to adjoining school districts, thus giving these districts the benefit of the school taxes paid by the corporations operating on the reservation while the residents of the post were made supplicants for school benefits. Under these circumstances it was believed that if the legislature would provide a law creating an exclusive district out of the reservation, and give the necessary machinery for the management of such school it would meet local requirements. The writer prepared a bill for submission to the legislature. It was within ten days of its closing session, but the measure was enacted into law before adjournment. For this legislative effort the credit is due to Senator Louis H. Wulfekuhler of Leavenworth county.

The law which is appended discloses the character of the machinery provided.

Under the law the maximum levy that can be made upon the taxable property on the reservation is two mills. This sum, if required, will create a school fund of nearly three thousand dollars per annum. The post public school is also given its share of the State school fund which amounts to about fifty cents per annum per capita of children of school age living on the reservation.

The general school laws of the state authorize free text books where the taxpayers so decide and an effort is being made to secure their consent.

The Fort Leavenworth school law is as follows:

Be it enacted by the Legislature of the state of Kansas:

SECTION 1. That the Fort Leavenworth Military Reservation, by and with the consent of the War Department of the United States, be and the same is hereby set apart, established and created a school district, to be designated and known as the "Fort Leavenworth school district."

SEC. 2. That the board of county commissioners of the county of Leavenworth, Kansas, be and is hereby authorized and empowered to establish, maintain and conduct a common school upon the said Fort Leavenworth military reservation, the same as other district schools under the general school laws of the state; provided that the duties and powers of officers of school districts under the general school laws shall, for the purpose of this act, devolve upon and be exercised by the said board of county commissioners, which said board is hereby empowered and authorized to levy a tax each year upon the franchises and property of railroad companies, bridge companies and other corporations on said reservation, as may be deemed necessary, to establish, maintain and conduct said district school, not to exceed in any one year the maximum rate authorized by law to be levied by the trustees of other school districts within said county and state, and *Provided further*, That no part of the taxes so levied or collected shall at any time be used in the erection of a school building or buildings upon the said military reservation, and such moneys shall only be used and expended in establishing, maintaining and conducting a common school or schools upon such reservation, in such building or buildings thereon as may be provided by the War Department or the Department of Justice, for the use of which may be permitted or authorized by the commanding officer in charge at Fort Leavenworth or by the warden at the Federal Prison at said Fort Leavenworth.

SEC. 3. That for the purpose of listing, assessing and valuing the franchises and property of railroad companies, bridge companies and other corporations on said reservation, and in order that the taxes for school purposes may be levied and collected thereon, it is hereby made the duty of revenue officers of the state or the county of Leavenworth, as the case may be, according to the class or character of the franchise or property to be taxed for the purpose of this act, to do and perform whatever acts or things are or may be necessary to be done or performed, to all intents and purposes the same as such officer or officers are or may be required by law to do or perform under the general school laws of the state, and to the same extent as if such franchises and properties were not situated upon the Fort Leavenworth Military Reservation; *Provided*, That the franchises and property of the railroad companies, bridge companies and other corporations so taxed under the provisions of this act shall not be liable for school taxes in any other school district; and, *Provided further*, That

the county treasurer or the county of Leavenworth shall be *ex officio* treasurer of the said Fort Leavenworth district school.

SEC. 4. A school census shall be taken, as required by law, of all children of school age situated, living or residing upon said military reservation, and for the purpose of this act such school census shall be taken by the superintendent of schools in and for the said county of Leavenworth, a copy of which shall be kept on file in his office, and he shall file a copy thereof with the state superintendent of public instruction, as required by law, under the general school laws: and any and all moneys apportioned by the state to the county of Leavenworth or the district schools therein shall be so apportioned that said Fort Leavenworth district school shall have and receive its just proportion thereof, which amount shall be paid into the hands of the county treasurer of Leavenworth county for the use and benefit of said school district.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. That this act shall take effect and be in force from and after its publication in the official state paper.

Published in official state paper March 29, 1901.

For the general school laws of the state as affecting the Fort Leavenworth District School see Compilation by Henry Shindler, 1906.

Religious

St. Ignatius' Chapel

This catholic church edifice was erected under a license granted June 27, 1889 and in terms is as follows:

"The Right Rev. Louis M. Fink as Roman Catholic Bishop of the diocese of Leavenworth and successors, Bishops of said diocese, are hereby granted a license, revocable at will by the Secretary of War, to erect and construct or cause to be constructed, for the use of the Roman Catholic Church at Fort Leavenworth, Kansas, on a tract or lot of land two hundred feet square being part of the United States military reservation at Fort Leavenworth, Kansas, and situated in, and being the southeast corner of the vacant lot which lies just to the south of the post hospital in said reservation, and being bounded on the east by McClellan Avenue, and on the south by Pope Avenue, a church edifice, 45 by 95 feet in dimensions

for the purpose of divine worship, according to the rites of said church, and a school house 25 by 50 feet in dimensions, and no other building or buildings whatsoever (the former license granted by the Secretary of War, January 24, 1888, to the said Louis M. Fink, being hereby revoked) upon the following provisions and conditions:

1. That the United States shall not under any circumstances be required or expected to buy any structure or building erected upon said tract of land under the authority of this license.

2. That any sum which may have to be expended after revocation of this license, in putting any premises or property, hereby authorized or used, in a good condition for use by the United States as it is at this date shall be repaid by said licensee or licensees."

The corner stone was laid August 17, 1889 and dedicated December 22, 1889. Bishop Fink of the Catholic Diocese was the functionary on this occasion.

The above license is in lieu of a license granted in 1870 in response to the following appeal:

LEAVENWORTH, KANSAS,
December 10, 1870.

*To His Excellency,
The Secretary of War,
Washington, D. C.*

Sir:

I beg leave to expose to your excellency that there is a considerable number of Roman Catholics at Fort Leavenworth, Kansas, to whom I consider it my duty to give the facilities which all Christian denominations give to their members.

Thus far it has not been possible to obtain a place or chapel exclusively dedicated to Catholic worship, which is a great inconvenience, not only to the clergymen who appoint days to officiate at the fort, but also to the members of the church. To obviate all difficulties, I take the liberty to ask that a piece of ground at or near the fort be set apart, and that the buildings erected thereon be for the exclusive use of Roman Catholic worship

Hoping that my petition will be favorably considered, I remain, of your excellency, the humble, obedient servant,

(Signed)

JOHN B. MIEGE,

Bishop of Kansas.

The proposition had the strong support of General John Pope and consent was given by the War Department. (See "Union Hall" in this division and "Public Worship at Fort Leavenworth" by Henry Shindler, 1906.)

The Post Chapel

The present Post Chapel was erected in 1878 under the supervision of the late Colonel Asa P. Blunt, commandant of the United States Military Prison, with the labor of prisoners. The corner stone was laid May 5, 1878, by Bishop Vail of Kansas, in the presence of many distinguished army people. The first services were held therein November 28 of that year by Post Chaplain the Rev. John Woart.

A Y. M. C. A. Building.

License granted by the Secretary of War October 23, 1905, to erect a building under the act of Congress approved May 3, 1902.

(Dedicated October 23, 1907.)

An agitation in favor of the erection of a building at Fort Leavenworth suitable for the purposes of the Army Young Men's Christian Association was undertaken by Chaplain John S. Randolph, 6th U. S. Infantry, during his tour of duty at the post between 1902 and 1905. Before being able to make a success of his work his regiment was ordered to the Philippines. His successor, Chaplain John T. Axton, 18th Infantry, upon assuming his duties at the post in the early part of February, 1905, realizing the necessity for a building of the kind referred to, set to work along his own lines, and by the latter part of March had the assurance from the International Committee of the Y. M. C. A., that Miss Helen Miller Gould would agree to furnish the means with which to erect a building and furnish the same at a cost not to exceed \$50,000. Chaplain Axton's efforts had the official

endorsement of General J. F. Bell, commandant of the service schools and of Colonel Chas. B. Hall, 18th Infantry.

Upon the assurance that the money would be furnished authority to erect the building on the reservation was obtained. October 23, 1907, the edifice, a most beautiful structure without, and handsomely furnished within, was dedicated with ceremonies due the donor and befitting the purpose for which erected, and were attended by Miss Gould. Addresses were delivered by Governor E. W. Hoch of Kansas, Brigadier General Chas. B. Hall, Rev. Chas. M. Sheldon, author of "In His Steps," and William B. Millar, International Secretary of the Army and Navy Department of the Y. M. C. A. Additional ceremonies were conducted in the evening exclusively for the enlisted men. Miss Gould was the guest of honor, and received from the thousand and more men present a welcome she will always remember.

To Chaplain Axton belongs the fullest credit for the success achieved in this work. He zealously assisted in planning and then watching the work of construction, and remained at the post long enough to realize to the fullest extent a long cherished hope and a meeting of every expectation when the great work was undertaken.

Since the banners of the Young Mens' Christian Association have always been dedicated to virtue and not to creed, and its methods of work have been along sane and practical lines, Miss Gould's gift has been a very great contribution to the moral and religious welfare and the contentment of the enlisted men of the garrison.

Pope Hall

This amusement hall was dedicated in the fall of 1894¹ and named in honor of Captain James W. Pope,

¹ This distinction fell to the 20th Infantry.

Assistant Quartermaster, U. S. Army, commandant of the U. S. Military prison from January 1, 1888, until June 30, 1895.

The building was erected according to plans prepared by this officer with the labor of prisoners. Its entire cost was within the sum of \$5,000 which the war department allotted for the purpose. Most of the raw material was acquired from the quarries and timber on the reservation.

Union Hall

This building was constructed in 1871 for a Catholic church for which authority was granted by the War Department. Later, as the ground was desired for other purposes, the War Department paid \$11,000 for the property, including a school building since removed, and authorized the construction of another church on a new site, situated at the south-west corner of Pope and McClellan Avenues.

Upon the arrival at this post in 1894 of the 20th Infantry, permission was given by its commanding officer to permit two "garrisons" of the Regular Army and Navy Union to hold its meetings there and from that time the name of Union Hall was given it and under which it is now known.

[APPENDIX "G"]

An act for the authorization of the erection of buildings by the International Committee of Young Men's Christian Association on military reservations of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is hereby given to the Secretary of War, in his discretion, to grant permission by revocable license to the International Committee of Young Men's Christian Association of North America to erect and maintain, on the military reservations within the United States or its island possessions, such buildings, as their work for the promotion of the social, physical welfare of the garrison may require, under such regulations as the Secretary of War may impose.

Approved May 3, 1902.

[APPENDIX "H".]

The Altar Guild

Army Chaplains have ever found more or less difficulty in securing ample funds with which to supply the paraphernalia for an appropriate observation of church ceremonies, and to make the Chapel auditorium attractive to worshipers.

The women of Fort Leavenworth, appreciating these needs, organized an "Altar Guild" a year ago. Its first report by the president Mrs. Lucille R. Arnold, the wife of Captain Samuel B. Arnold, 1st U. S. Cavalry, has just been made public by Chaplain Henry Swift, 13th Infantry. It makes a splendid showing and is deemed of sufficient interest for future reference to give it place in these pages. It will be an inspiration for the good women who in due course must take the places of those now here.

FORT LEAVENWORTH, KANSAS,

June 5, 1909.

To the Post Chaplain

and Members of the Garrison:

As President of the Altar Guild I wish to submit the following report of the Guild for the past year, prefaced by a few remarks in regard to the events which led to its organization which seem necessary in order to explain its work.

In the absence of a regular Post Chaplain—in February, 1908—the Chapel came under the voluntary charge of Chaplain H. Percy Silver, the Episcopal Chaplain on duty at the Military Prison. Through his efforts, the Chapel was put in thorough order; the Chapel itself, carpet, and all tablets and brasses thoroughly cleaned; the Font removed to its proper position at the entrance of the Chapel, where a proper setting was made for it; an Altar arranged; numerous gifts and memorials were donated to beautify the Chapel, and the interest of a number of the women aroused in that part of church work which is distinctly their province.

The Chapel being entirely without hangings and linens, this, the first Guild work was undertaken by Mrs. Charles D.

Rhodes, who, with some assistance from a few of the women of the Post, made a complete set of white and green hangings, with book markers for each and some linens, and for several months she, and the Misses Hall, did all the necessary work about the Altar.

As the property of the Chapel increased, it seemed advisable to have some regular organization to see that this property was properly cared for, and to continue the work already started.

To this end a meeting was called of those women most interested, at which Chaplain Silver presided, and the details of such an organization were arranged. At a subsequent meeting, on June 29, 1908, the Guild was organized under the name of the Altar Guild of the Post Chapel, and certain regulations adopted, the object of the Guild, as stated therein, being:—"to care for the Altar and all things pertaining thereto; to provide flowers for the Altar, and to hold as custodians all gifts and memorials, and to be responsible for their proper use and care."

It is intended that the Guild shall be self-perpetuating—doing the work of the chapel at all times according to the wishes of the chaplain in charge. Members may be of any denomination.

The original Guild consisted of nine members:

Mrs. Charles D. Rhodes	Mrs. Marie L. Snyder
Mrs. George E. Stockle	Mrs. E. R. Gibson
Miss Happersett	Mrs. LeRoy Eltinge
Mrs. S. B. Arnold	Mrs. J. C. Raymond
Mrs. O. L. Spaulding	

of whom Mrs. Arnold was elected president and Mrs. Eltinge secretary and treasurer.

During the summer the work of the Guild was limited, owing to the absence of most of the members, but those remaining attended to all services, and the 1st of September the regular work was begun, Chaplain Silver formally turning over to the care of the Guild the following gifts and memorials:

PRESENTED BY

Brass Cross	3d Squadron, 13th Cavalry.
Brass Book Rest.....	3d Squadron, 13th Cavalry.
Altar Prayer Book.....	3d Squadron, 13th Cavalry.
Brass Vases	13th Infantry.
Brass Altar Rail	Staff Class—Class of 1908.
Brass Prayer Desk	Faculty and Line Class of 1908.
Brass Lectern	Mrs. Charles McK. Saltzman.
Credence Table	Mrs. S. B. Arnold.

Font Cover.....Fort Leavenworth Branch of
Womans' Auxiliary, Easter,
1908.

Bible Sunday School, Easter, 1908.
Altar Hangings, Prayer Books and Hymnals.

To which have since been added:

Prayer Book Sunday School.
Candlesticks Sunday School, Easter, 1909.
Font Ewer Fort Leavenworth Branch of
Womans' Auxiliary, Easter,
1909.

In October, Chaplain Henry Swift took charge of the chapel, since which time all work has been done by his authority and with his approval, while the Guild also continued to assist Chaplain Silver as much as possible with his work at the prison as long as he remained in the post.

Regular monthly meetings have been held, at which the Secretary and Treasurer's reports have been read, subjects of interest to church people have been discussed and all arrangements for work have been made.

During the past year this work has consisted of the care of the altar, sacred vessels, linens and memorials, the furnishing of flowers and candles for the altar, the attendance of some member at all services, the entire care and cleaning of the chancel, a general supervision of the cleaning of the chapel and the refurnishing of the vestry room.

For convenience in the vestry room the Guild furnished: A washstand, for which Mrs. Pond donated a toilet set; a table; proper utensils for cleaning the sacred vessels; all cleaning implements and materials, and designed a book case with closets at each end for vestments and cleaning materials, and a chest with compartments for all linens, hangings and moveable brasses when not in use. These latter the quartermaster kindly had made.

At the suggestion of the Guild, which met with most cordial response, most of the flowers for the altar have been given as memorials by members of the post, they choosing their own dates. When not so donated the Guild has furnished them, so that the altar has never been without them on Sundays and feast days.

Until March, the services at the prison and post chapels were at such hours that the flowers could be used at both places. Since then this has been impossible and flowers have been sent to the Prison chapel only on those Sundays when

Chaplain Swift has had a celebration of the Holy Communion there.

All flowers used on the altar are sent to the sick, usually to the Prison hospital.

The following needlework has been completed for the Post Chapel:

	Purple hangings and book-markers
	Red hangings and book-markers
Complete set of linens, consisting of—	
Fair linen cloth	Credence cover
Linen veil	Three purificators
Burse	Pall
Corporal	Two vestry credence cloths
	Chalice veil

All made by hand and embroidered.

For Chaplain Swift:

One surplice and one stole.

For Chaplain Silver:

One cassock, one stole, one set of alter linen like the above without the credence cloths, and two sets of book markers.

The mending and care of all vestments.

The Guild wishes to take this opportunity of acknowledging with thanks, the bag for carrying the linens, made and donated by Miss Mary Stockle, and the special Easter donations which enabled them to get the materials for the red hangings and a few necessary articles for the vestry room.

Vacancies have been created by the resignations of Mrs. Rhodes and Mrs. Raymond, owing to their departure from the post, and of Mrs. Snyder and Miss Happersett. These have been filled by Mrs. R. J. Burt, Miss Mary Fuller, Mrs. F. L. Munson, and Mrs. Charles Gerhardt, while there are at present two associate members, Mrs. G. P. Pond and Mrs. A. W. Bjornstad, there being allowed three associate members, from which vacancies in the regular Guild are filled.

Enclosed please find Treasurer's Report of receipts and expenditures.

LUCILLE R. ARNOLD,
President.

DIVISION XI

The Post Hospital

The present hospital was erected under an original appropriation of \$60,000, though twice that sum has been expended in enlargements alone to provide the capacity needed for a garrison of 3000 men.

The present Surgeon General (Geo. H. Torney) while serving at the post in 1899, initiated the movement for the construction of a 100 bed hospital, calling for \$100,000 to meet the cost. He readily enlisted the citizens of Leavenworth and with the support from Congressman Chas. Curtis of the first Kansas district, backed with the additional endorsement of Surgeon General Sternberg and the approval of the Secretary of War, Hon. Russell A. Alger, the House Committee agreed to the appropriation. It had already formulated its military expenditure bill, but readily consented to increase the item for "repairs and construction of hospitals" to \$250,000. The location was omitted to avoid opposition in the House, but with the distinct understanding that if the measure became law the \$100,000 should be used for the hospital.

Upon the adjournment of Congress it was found the money was not available, on the ground that the authority to construct new hospitals was limited to \$25,000 unless Congress specially designated the post where such construction should take place. This caused delay and proved disastrous to the appropriation. It became necessary to secure the passage of a joint resolution to enable the department to avail itself of the money. The House refused to agree to

the resolution unless the sum was cut down to \$60,000. Congressman Curtis protested against this reduction, but it was either that sum or nothing. Rather than meet with failure entirely, he acted with his usual discretion—and accepted the amount offered.

The reduction was due to a recommendation of the Surgeon General suggesting that only \$60,000 be made available, a sum he deemed sufficient.

Since the completion of the hospital a right and left wing have been added at a cost of \$50,000, and an addition to the kitchen and dining hall at a cost of \$40,000. Notwithstanding these additions the capacity of the hospital is still inadequate to meet the constantly increasing demand for room, and at this time another addition is being made to the hospital to cost \$20,000, aside from a separate building for an isolation ward to cost \$15,000.

Post Steam Laundry

The Post Steam Laundry at Fort Leavenworth was opened for business September 1, 1905.

The idea of establishing a post steam laundry was first suggested by Colonel John Van R. Hoff, Medical Corps, who was post surgeon, in an official communication dated January 15, 1903, recommending the establishment of a laundry in order to reduce to a minimum the liability of contracting infectious diseases. In addition to this, he stated that such laundry would be a great convenience to the big command and should materially reduce the cost of laundry work for officers and enlisted men of the garrison. In an endorsement on this paper, the Quartermaster General recommended that a revocable license be granted by the Secretary of War to any parties who might care to undertake the establishment of a laundry in the post. As the post authorities deemed it inadvis-

able to have the laundry operated by private persons, no action was taken on this recommendation.

General J. Franklin Bell, U. S. Army, assumed command of the post and Army Service Schools July 1, 1903, and he at once took up the proposition of establishing a laundry where his predecessor left off. Captain E. E. Booth, 7th Cavalry, having had some previous experience in conducting a steam laundry, was directed by General Bell to submit plans and specifications in detail for a laundry of sufficient capacity to do the work for the enlisted men and officers, their families, and civilian employes of the post, providing sufficient capacity to meet probable future increases in the size of the garrison.

There were no funds with which to buy the machinery and install the plant, so various schemes were considered for raising the necessary funds for this purpose. The question of the Post Exchange installing and operating the laundry was discussed, but after a great deal of consideration it was finally decided that it would probably be better not to have the laundry a part of the Post Exchange. The cost of the laundry would be so great that it would be exceedingly difficult for outgoing organizations to dispose of their interests to incoming organizations. In addition to this, it was deemed inadvisable to have the laundry operated with a view to paying dividends, which would be the case if it were a part of the Post Exchange. It was thought that the laundry should do the washing for the entire garrison at as near cost as practicable.

Permission was obtained from the Quartermaster General to use the building No. 53, Scott Avenue, for laundry purposes. This building had been used for years as the post commissary and considerable alterations were necessary. The building was finally vacated and prepared for the laundry in the summer of 1905.

No means having been devised for raising the funds with which to start the plant, General Bell directed Captain Booth to proceed to Chicago and endeavor to arrange with some laundry machinery house to install the plant, accepting payment therefor in monthly installments. Such an arrangement was made with the Nelson & Kreuter Laundry Machinery Co. The plant was installed and commenced operations September 1, 1905.

The original cost of the laundry was approximately \$12,000.00. Between that time and July, 1909, machinery costing approximately \$7,000.00 was added. This additional machinery was necessary to handle the increased business.

During the summer of 1909, a building was constructed near the laundry building, in which was installed a modern steam and dry cleaning plant.

The cost for laundry work for the enlisted men and officers is about fifty per cent of that formerly charged by commercial laundries. With these charges the plant has paid off about \$15,000.00 of its indebtedness in four years.

The Fort Leavenworth Mess

The Fort Leavenworth Mess or "club" was established in March, 1877. Its membership is composed of commissioned officers of the "armed forces of the United States."

The first president of the mess was General Alexander McDowell McCook, and its first secretary Lieutenant J. V. S. Paddock, 5th Cavalry.

The building occupied by the club was built for officers' quarters about the time of its organization. In the absence of a suitable place for the club the War Department authorized the newly constructed building be used for the purpose.

On account of the large number of transient officers at the post it became necessary to provide additional accommodations, and later was extended by the construction of an annex to the west.

To permit the building to be lighted by electricity, the War Department granted a license to the mess for the erection of poles and hanging wires thereon to carry the current from the United States penitentiary to the club house. The grant was made February 15, 1898, and lighting continued by electricity from the prison until the United States began to light all the public building with electricity. This occurred in 1904.

Following is a list of officers who served as secretaries of the mess, succeeding Lieutenant Paddock:

Lieutenant A. L. Wagner, 6th Infantry; Lieutenant Sebree Smith, 2d Artillery; Lieutenant Frank Taylor, 14th Infantry; Lieutenant H. A. Reed, 2d Artillery; Lieutenant W. N. Hughes, 13th Infantry; Lieutenant C. J. F. Clarke, 12th Infantry; Lieutenant C. W. Penrose, 12th Infantry; Lieutenant W. P. Burnham, 20th Infantry; Lieutenant A. L. Mills, 1st Cavalry; Lieutenant G. C. Barnhardt, 6th Cavalry; Major D. E. McCarthy, Quartermaster; Captain W. L. Simpson, 6th Infantry; Captain W. A. Cavanaugh, 6th Infantry; Captain E. R. Stuart, Corps of Engineers; Captain H. C. Schumm, Artillery Corps; Captain F. H. Lawton, Commissary of Subsistence; Captain Peter Murray, 18th Infantry; Captain A. E. Clark, 18th Infantry; Captain J. R. Lindsay, 13th Infantry.

The Post Office

(Established May, 1828)

For one year subsequent to the establishment of the post the mail was furnished from the office at

Liberty, Mo. For some months deliveries were made once a week by mounted carrier, and then changed to a tri-weekly service by "hack", the commercial interests of the frontier town finding this a necessity.

This office continued to do business without interruption until July 31, 1868, when it was discontinued and not again reopened until April, 1869.

It was not until October 19, 1841, that the name of the office was changed from "Cantonment" to "Fort", although the War Department authorized the change in 1830.

The following named persons served as post-masters:

Philip G. Rand, May 29, 1828
Thomas S. Bryant, October 16, 1828
R. P. Beauchamp, August 5, 1829
Alexander G. Morgan, July 8, 1831
Joseph V. Hamilton, April 3, 1838
Albert Wilson, December 5, 1839
Hiram Rich, October 19, 1841
Andrew G. Ege, March 12, 1862
Edward Fenlon, May 19, 1862
Elizabeth Graham, March 20, 1865
Edward Fenlon, August 8, 1865
Mayer B. Haas, May 14, 1866
Michael L. Dunn, August 10, 1866
David L. Payne, March 19, 1867
Michael L. Dunn, July 20, 1867
Clara L. Nicholas, April 15, 1869
Laura Goodfellow, March 21, 1892
Guy A. Swallow, March 1, 1909, to date

The actual date upon which the post office was discontinued is August 6, 1868, and until April, 1869, the mail matter of the post was served by the Leavenworth city office.

The Statue of General U. S. Grant

The right to erect a statue to General Grant at Fort Leavenworth was authorized in a license issued

by the Secretary of War to the Grant Monument Committee, February 6, 1886. The statue was unveiled September 14, 1889.

The suggestion to erect such a statue was made by the writer to the late Dr. Morrison Munford, editor and publisher of the Kansas City Times, a few days following the death of General Grant in 1885. The timeliness and feasibility of the project and particularly the location so appealed to the editor, that on the morning following its submission The Times contained a strong appeal to the public to assist in carrying the suggestion into effect.

Referring to the location the Times said:

“No place could be so fitting for a monument as Fort Leavenworth. Next to West Point it is the most conspicuous army post or headquarters in the country. The eligible grounds and the beautiful site would be a fitting place for the monument of the greatest general.”

While en route from Fort Reno, in camp at the Cantonment on the North Canadian, the news flashed over the wire of General Grant's death at Mount McGregor, N. Y. Before reaching home the writer evolved a plan for the erection of a statue to General Grant at Fort Leavenworth and the ways through which to secure the means to carry it through successfully.

The writer was, on his return from a journalistic mission to the Indian territory, the guest of General Nelson A. Miles, who had just assumed command of the Department of the Missouri, and the plan was submitted to him for an opinion. He regarded it as an excellent one and urged that it be taken up at once.

Within two weeks a meeting was held at General Miles's headquarters composed of the governors of several states, distinguished officers of the army and

other public officials. It was proposed to raise a fund of \$25,000 and the Grant Monument Committee was formed with General Miles as chairman. Subscriptions to the fund came in rapidly but soon fell off and within a few weeks ceased entirely, the sum of \$4,370.43 having in the meantime been collected.

Early in 1886 General Miles was ordered to Arizona. Other officers who became identified with the movement were transferred to widely separated stations, and interest in the monument appeared to fall away entirely. The funds were placed on deposit in the First National Bank of Leavenworth, and within the succeeding period before the final erection of the statue, were augmented from interest on the principle by \$464.43, making the total amount available \$4,834.86.

It was the good fortune of those interested in the erection of this monument to have Captain W. R. Hodges, a member of the firm of Hodges & McCarthy, monument builders, St. Louis, Mo., visit the post in the summer of 1888 to attend the second annual banquet of the Military Order of the Loyal Legion, Commandery of Kansas, that gentleman being the Recorder of the Missouri Commandery. It was during this visit that Colonel James P. Martin, Adjutant General of the Department of the Missouri, and Recorder of the Kansas Commandery, took up the statue proposition with Captain Hodges. Colonel Martin believed that if a statue fitting to the General could be secured for the money in hand Captain Hodges would do so. After considering the subject Captain Hodges informed the members of the Monument Committee that if the young American artist, Loreda Taft, just returned from Paris, could be enlisted he would give the donors to the monument fund a statue worthy of the General and the country. Mr. Taft readily gave his consent.

In due time Mr. Taft furnished the committee with a photograph of the prepared model and this, with some suggested modification, was accepted. The photograph is in possession of the writer together with Mr. Taft's note on the reverse written in pencil.

The statue was completed in the summer of 1889 and its unveiling took place in September of that year. It was at first proposed to place the statue in a triangle at the head of Grant Avenue and for this purpose three portals were designed, one for each of the three sides, but General Merritt caused the point to be changed by placing the statue directly in the center of Grant Avenue so as to give a free view towards the south along its entire length. With the triangle eliminated, the portals were set around the circle or base of the statue.

The unveiling ceremonies were of a most imposing character. Ten thousand people attended them. The following lines, heading the story of these ceremonies in the Kansas City Times on the following day may give the reader an idea of their extent:

Unveiled.—The Memory of Grant Honored.—A Noted Statue of the Great Leader Dedicated.—Representatives of the Whole Missouri Valley Present.—Northerners and Men of the South Alike Show Respect.—The Gathering at Fort Leavenworth Worthy the Occasion.—General Merritt Removes the Draperies Among Silence.—All More than Pleased with the Magnificent Creation.—Senator Ingalls Delivers the First Formal Address.—General Blair Pays Tribute to the Renowned Dead.—The Hon. Geo. R. Peck Closes with a Glowing Eulogium.—All the Ceremonies Such as Well Befitted the Occasion.—Kansas City's Mayor and Council Welcomed by Leavenworth's Officials.—The Parade in the City.—History of the Monument.—The Sculptors.

Under date of September 17, 1889, the writer received a note from Captain Hodges from which the following extract is taken.

"I desire to thank you most cordially for the generous manner in which you have dealt with our firm and myself, in

your superb account of the Grant Monument. I am especially pleased that you called attention to the insignificant sum for which the work was done and that I fully redeemed every pledge made. Mr. Taft did a noble work and I am glad that you give him so full recognition. Your paper deserves the gratitude of the people for the impetus given to the movement which resulted in the erection of the statue, without which it would never have been accomplished, and a most important factor in achieving success was your own intelligent and enthusiastic efforts."

The Financial Statement

Total amount contributed,	-	-	\$4,370.43
Interest from First National Bank	-	-	\$464.43
Total received,	-	-	\$4,834.86
Expended for cement,	-	-	\$38.50
Postage,	-	-	\$47.75
Paid Hodges & McCarthy:			\$4,791.61

In order that the above statement relating to the cost of the statue may not be deemed unbelievable, the writer sent the entire story of the statue to Captain Hodges that he may verify what has been said concerning his connection with the matter. The following is an extract from that reply:

"I do not recall the date, but my recollection is that it was two or three years after the death of General Grant, I was at Fort Leavenworth and my friend, Colonel James P. Martin, told me of the money raised for a memorial and of the amount on hand, and asked what could be done with it. I promised to look into the matter and let him know later. I knew that Lorado Taft, a young sculptor of promise, had returned from Paris. I presented the subject to him, saying that with the funds on hand, all of us would have to work for the love we bore to the great general, but that the reputation he would gain would compensate him. He agreed to furnish the model, have the statue cast in bronze for the actual cash outlay. I explained to Colonel Martin that I could erect a statue upon a granite pedestal, etc., for the sum raised, plus accrued interest, and the contract was awarded to my firm and the statue erected and everyone was satisfied with the result. It was as you say, the first statue, and I believe the first memorial erected to General Grant."

The greater share of the contributions came from the officers, soldiers and quartermaster employes of the United States Army in the west.

U. S. Leavenworth Arsenal

During the Mexican War an Ordnance Depot was established at the post and discontinued in 1849.¹

In 1855 the chief of ordnance urged the establishment of a small arsenal at this point and the abandonment of the depot at Liberty, Mo.² He regarded that point as entirely out of position and useless for the service. The removal westward of the country's military operations made this change an absolute necessity. He had for some years entertained this opinion and this view was confirmed in the fitting out of the Harney Sioux expedition. To him, Fort Leavenworth presented the only feasible point to meet the then existing situation. In the meantime he directed an officer of his corps to make the preliminary inspection and examination.

In 1858 the Secretary of War authorized the establishment of a small ordnance depot. This, the chief of ordnance reported in October, 1859, was being enlarged by the erection of a permanent storehouse and magazine, and from them grew the Arsenal, which was first recognized as such in 1860.

The grounds set aside for the Arsenal comprised about 138 acres, southeast of the post and adjacent thereto. The present limitations of the "college section" are those of the arsenal grounds, with One Mile creek as the southern boundary. From 1861 to

¹A large room of the old post headquarters building standing at the northwest corner of Kearney and McClellan avenues was used for a storeroom, and the magazine stood near the center of Sumner place. Captain Wm. F. Shoemaker, ordnance storekeeper, was in charge in 1848, and 1849. This same officer for many years was in charge of the Arsenal at Fort Union, New Mexico.

²See appendix "I."

1873 this arsenal was operated as a small "arsenal of construction," many ordnance stores being fabricated and purchased.

The buildings were of the most substantial character. The residence now occupied by the commandant of the service schools was that of the commandant of the arsenal. Sherman and Sheridan halls were the two storehouses. The building for so many years occupied as the quartermaster's office was the barrack for the ordnance detachment of thirty five men. At the intersection of Scott and Pope avenues, was a massive iron gate, the main entrance to the grounds, and to the left stood a small two story guard house built of brick and stone.

From the date of its establishment to its final abandonment, a total of eighty thousand four hundred and ninety-seven dollars and forty cents (\$80,497.40) was especially appropriated for the arsenal to carry on permanent improvements, and the development and fitting up the grounds cost a total of two hundred and twenty-one thousand, one hundred and three dollars and seventy cents (\$221,103.70).

The amount, in addition to the first named sum, was expended from the appropriations for "repair and improvements at arsenals." In these appropriations is included twelve thousand, nine hundred and fifty dollars (\$12,950.00) for the magazine now standing near the south limit of the college section, and fifteen thousand dollars (\$15,000.00) appropriated by congress for the construction of a road from the arsenal to the city of Leavenworth. This improvement was made in the early seventies and is the present Grant avenue.

In view of a recommendation made to the Secretary of War by a board of army officers that the arsenal be discontinued and the buildings turned over to the Quartermaster Department, on February 2,

1874,¹ an order for such discontinuance was issued and all stores transferred to the Rock Island Arsenal. This was finally accomplished May 27, 1874.²

Below is a list of the officers of the Ordnance Department who have commanded the arsenal during its existence:

Lieut. S. C. Symmes, June 2, 1859, to January 20, 1860.

Lieut. J. W. Sill, January 20, to July 19, 1860.

Capt. P. V. Hagner, July 19, 1860, to April 22, 1861.

Capt. J. L. Reno, April 22, 1861, to December 6, 1861.

Capt. and Maj. J. McNutt, Dec. 7, 1861, to Oct. 1, 1869.

Capt. D. H. Buel, October 1, 1869, to July 22, 1870.

Capt. A. Mordecai, August 12, 1870, to May 27, 1874.

Following the abandonment of the Arsenal, the necessity for a near supply station for ordnance stores to posts in the West became so apparent that the War Department established an ordnance depot at the post in 1878,³ from which to supply the troops serving in the Department of the Missouri. A small detachment was sent here to care for the property. This depot was discontinued in 1891.⁴ This change was due to the transfer of the headquarters of the Department of the Missouri to St. Louis and it being impracticable to assign an officer of the Ordnance Department to command the depot, where, theretofore, the chief ordnance officer of the department performed this duty.

¹See General Orders No. 8, 1874.

²Under the head "The U. S. Military Prison" the cause for this transfer will be found.

³See General Orders No. 81, 1878.

⁴See General Orders No. 23, for the year.

The National Cemetery

(Established under the Act of Congress approved February 22, 1867.)

The National Cemetery at this post contains an area of sixteen acres. Prior to the approval of the act creating national cemeteries this cemetery was the burial ground for the post. When Fort Leavenworth was established in 1827, a burial ground was selected upon the site which now forms the grounds for the quarters of the commandant, army service schools.

In 1858 Congress authorized the construction of buildings for an arsenal and the grounds comprising the college section were chosen. The north line of the arsenal grounds extended to what is now the south line of Pope Avenue. This selection necessitated the abandonment of the old burial ground and the disinterment and transfer of the dead to the present cemetery.

In 1867 the post burial ground was declared a national cemetery, and a superintendent placed in charge of the grounds. Notwithstanding that only those who were in the army or had been honorably discharged therefrom were entitled to a resting place within a national cemetery, the post continued to bury its dead there without reference to such service.

In 1883 the Quartermaster General of the Army called attention to the provisions of the law relating to the class of persons authorized to be buried in such cemeteries. Inasmuch as these grounds had always been a post cemetery, such limitations were deemed a hardship upon the post residents, and the department, upon having its attention called thereto, authorized an extension of the stone enclosure to the south and set aside a part of the additional ground thus enclosed as a post burial plot. This not only overcame the

peculiar situation as applied to the cemetery here, but the new plot proved to be the prettiest spot within the enclosure.

The following persons have served as superintendents:

Hugh M. Fogg,
Noble Warwick,
William Dillon,
Max Ritter.
V. A. Meyuez, to date.

There are now buried in the cemetery 2283 known dead, and 1507 unknown dead; total 3790.

The Army Service Schools

For history of the schools see "History of the Army Service Schools," by Henry Shindler, 1908.

[APPENDIX "I"]

The Liberty Mo., Arsenal

By act of Congress, approved July 2, 1836, ten acres of land were purchased June 30, 1837, of Joel Turnham and wife of Liberty, Clay county, Mo., for an arsenal. The records show that the total sum of \$36,416.34 had been expended upon it during its existence. Its first commandant was Lieutenant A. B. Dyer, Ordnance Department, who was so assigned August 17, 1838, and continued until September 1, 1841. This officer later became Chief of Ordnance and is the father of Colonel A. B. Dyer, Fourth Artillery. It does not appear that Liberty Arsenal was commanded by any officer other than Lieutenant Dyer.¹ He was succeeded by Daniel Ragan, an ordnance storekeeper, from 1843 till 1845, and Luther Leonard, ordnance storekeeper, from 1846 till 1852, and though the last named may have remained in charge after that date, the records fail to show any other. The Arsenal was at no time assumed to be of importance. As early as 1860 the Chief of Ordnance urged that the property be sold, it having been rendered entirely useless since the establishment of the arsenal at Fort Leavenworth. It was, however, not until the act of Congress approved July 25, 1868, that authority was obtained for its sale.

The property, lands as well as buildings, were purchased by Amos S. Kimball, Brooklyn, N. Y., June 15, 1869.

Paxton, in his "Annals of Platte County", says that on November 27, 1855, "Liberty Arsenal was surprised and taken by sixty pro-slavery men, who took a large supply of arms and ammunition, carried two wagon loads to Platte City and hid them under the newly built Baptist church." Again, says the same authority, that on April 20, 1861, "Henry L. Routt and 200 men captured Liberty Arsenal. The arms were taken and distributed in northwest Missouri."

¹Cullom's Biographical Register of West Point graduates gives Lieutenant Chas. F. Ruff, 1st Dragoons, as having served at the arsenal in 1840. This was, of course, during Lieutenant Dyer's command and his assignment there may have been for purposes of instruction.

DIVISION XII

The U. S. Military Prison and U. S. Penitentiary

Established under act of Congress approved March 3, 1873, and amendatory act approved May 21, 1874. Abandoned by the War Department June 30, 1895; re-established February, 1906.

Prior to the establishment of a place for the confinement of persons convicted of a violation of military laws not involving any moral turpitude, military prisoners were cast into prisons with the basest characters and punished with those stained by every crime known to the law. This was regarded as an injury to the prisoner, whose offense may have been affected with but slight obliquity.

To avoid this unnecessary contamination, it was suggested by Major Thomas F. Barr, Judge Advocate, Department of the East, in 1871, that this condition be prevented and a separate prison provided.

The Secretary of War heartily supported the proposition and at once convened a board of officers of rank and experience in the administration of the Army in June, 1871, to consider the subject. The board was ordered to Quebec and Montreal, Canada, to look at the military prisons at those places and the way they were managed. This board consisted of Colonel Jefferson C. Davis, Major J. M. Brannan, Major Thomas F. Barr and Lieutenant Asa Bird Gardner.

The board was impressed with the British system of punishing military offenders and recommended a like system, or one, in part patterned after the

British plan. The report received the concurrence of the Secretary of War and was by him laid before Congress with the recommendation for the enactment of such legislation as would carry out the object of the report. To this Congress responded with the act approved March 3, 1873, and designated the arsenal at Rock Island as the place. The object of its location at that point was with a view of finally having the use of the prisoners in the manufacture of ordnance supplies.

The selection of Rock Island brought out a strong protest from its commandant, Captain D. W. Flagler. In this protest the officer stated that "the introduction of a prison into the arsenal is completely antagonistic to the plans of the government for the place," and "the introduction of a prison is deliberately introducing an element of danger. The prisoners must be looked upon as disaffected persons, probably enemies, and some of them, as shown by experience, are insane in their enmity, and the most dangerous of incendiaries."

This protest was endorsed by the chief of ordnance, who said that "it is not believed that prisoners could be made use of to advantage, except as laborers on the roads and grounds, and scattered, as they would necessarily be, over an island of 1,000 acres. * * * The competition between convict and ordinary labor, when brought into contact, always leads to ill feeling and irritation."

While Congress passed the act for its establishment and selected the site, no funds were appropriated. In view of the very forceful protest by the Ordnance Department, the War Department convened a board of officers to examine the locality at Rock Island and report its views as to the expediency of maintaining a prison in the arsenal grounds, and its probable influence upon the interests of the arsenal.

This board consisted of Lieutenant-Colonel A. V. Kautz, 15th Infantry, Major Thomas F. Barr, Judge Advocate, and Major George P. Andrews, 5th Artillery. Later Colonel Kautz was relieved from the board and Colonel Nelson A. Miles, 5th Infantry, substituted.

The board visited Rock Island Arsenal and in its report submitted that it fully concurred in the views of its commanding officer, and while not called upon to offer any suggestion as to the advisability of selecting any other site than the one chosen, the board, in view of the fact that the armory at Rock Island promises to answer for furnishment with material for all the western portion of the country, recommended that the arsenal grounds of Fort Leavenworth, Kansas, would be a far more eligible and convenient location for the prison, while the buildings, now of but little practical use to the government, could be readily converted to prison uses.

The board went on to say that the cost of supporting the prisoners would be fully as small at Fort Leavenworth as at Rock Island, and it believed that, even should it not be considered proper to appropriate the arsenal grounds for the purpose, some other portion of the government reservation should be taken.

The action of this board and of the one appointed at a later date, October 4, 1873, of which Colonel Miles was also president, was submitted to Congress by the Secretary of War with the further recommendation that the act be amended so that the selection of Fort Leavenworth be made, instead of Rock Island. In this Congress concurred by passing the act approved May 21, 1874.

The last board consisted, in addition to Colonel Miles, of Lieutenant-Colonel W. H. French, Second Artillery; Major Thomas F. Barr, Judge Advocate; Rev. E. C. Wines, of New York, Secretary of the

National Prison Association and G. R. Brockway, of Detroit, Mich.

After selecting Fort Leavenworth, it was decided by the War Department that the buildings best suited for prison purposes were those occupied by the Quartermaster's depot on the north side and to transfer the depot to the buildings in the arsenal grounds. This was done just as soon as Congress made the necessary appropriation which followed in June, 1874, supplying \$25,000 for the remodeling of the buildings and such construction as would be necessary to fit the grounds for a prison. Some years later, Captain James W. Pope, who commanded the prison from 1888 to the time of its abandonment, told a National Prison Congress that "with the usual false economy in governmental matters, it was prescribed that buildings already erected should be modified for the purpose of the prison, from which the prison will always suffer owing to the insecurity, inadaptability and unsightliness of those buildings."

A temporary administration was provided for the prison in 1874, consisting of Captain Edmund Rice, 5th Infantry, as commandant, Lieutenant Quinton Campbell, as provost marshal, and Lieutenant James W. Pope, Fifth Infantry, adjutant. The following year Major James M. Robertson, 3d Artillery, was appointed commandant, and was succeeded a year later by Captain Asa Blunt, Assistant Quartermaster, who retained the post until January 1, 1888, when he was succeeded by Captain J. W. Pope, Assistant Quartermaster.

A commission appointed by the Secretary of War visited the institution annually to inquiry into management and ascertain conditions with a view of report to the Secretary. The prison grew in importance, new buildings were erected, and an immense stone wall was constructed about the prison. For

many years the prisoners were engaged in the manufacture of boots and shoes for the army, in addition to many other needed articles of equipment. This was finally abandoned owing to opposition from labor organizations.

In his annual report for 1894 the then Secretary of War, Daniel Lamont, urged the abolishment of the prison and transfer of the property to the Department of Justice for the establishment of a civil prison as provided for in act of 1891, but made no appropriation for its erection. The transfer was strongly opposed in Congress, the people of Leavenworth not caring to have established an institution on the reservation under "political" control, but without effect. The argument used in favor of the establishment of a purely military prison was now turned against its further continuance. However, the prophesy made by those who favored its retention that such action would prove a serious matter for the army was correct, and not many years elapsed before this proved to be the case.

On July 1, 1895, the Department of Justice took control and a federal prison was established. The undesirability of the old buildings for prison purposes led to the agitation for a new prison on a site to be selected. This Congress concurred in (see appendix "K") and made the necessary appropriation in 1897. Work was at once commenced and by February, 1906, the new institution was far enough advanced to permit the transfer of all federal prisoners thereto, when the old prison again reverted to the War Department and its immediate rehabilitation under the law of 1874 as a purely Military prison.

Lieutenant Colonel George S. Young, 21st Infantry, was detailed as its commandant. He was relieved in June, 1908, by Major Thomas H. Slavens, Quartermaster.

The need for an enlargement and the erection of buildings with modern convenience of a prison led Congress to appropriate at its session of 1907-8 \$100,000 with which to commence this work, and such construction is now under way.

The Sundry Civil appropriation bill for 1909-10 carries an additional appropriation of \$250,000 for this purpose.

Congress vested the government and control of the prison, in the Secretary of War and the Board of Commissioners of the U. S. Soldiers Home, consisting of the Surgeon General, the Commissary General, the Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge-Advocate General, and the Governor of the Home.

[APPENDIX "K."]

An act to establish a site for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kansas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized and directed to select on the military reservation at Leavenworth, Kansas, within limits hereinafter described, a site for the erection of a penitentiary and other buildings, wall, and workshops for the employment of United States prisoners, with such improvements as he may direct in connection with the completion of the several buildings; said penitentiary to be of a capacity to accomodate at least one thousand two hundred convicts, and to be situated on said ground and within the following boundary line: Beginning at a point at the northwestern intersection of Grant and Logan Avenues thence north 70 degrees, west more or less, forty-five hundred feet more or less to a stone in the field north of the government farm barn, thence due west fifteen hundred feet more or less to the north side of Logan Avenue: thence along said avenue and its prolongation to the western boundary of the military reservation, thence south along said line to the southwest corner of said reservation, thence east along the south line of the said reservation to the pike leading north from the city of Leavenworth to the post of Fort Leavenworth; thence north along said pike to the beginning; and that these grounds thus described shall be, and hereby are, set apart from the contiguous military reservation for United States Penitentiary purposes, and assigned to and placed under the care and control of the Attorney General, as a United States Penitentiary reservation: *Provided*, that when the United States Penitentiary shall be occupied and applied to the purposes contemplated by this act, the buildings and grounds within the said military reservation at Fort Leavenworth that were transferred from the department of War to the department of Justice, in accordance with the provisions of the act of Congress approved March 2, 1895, shall be restored to the control of the said department of War: and *Provided, Further*, that this prison reservation shall be open to military tactical purposes, when such purposes do not interfere with the discipline of said prison.

Act approved June 10, 1896.

DIVISION XIII

General Henry Leavenworth

General Henry Leavenworth was born in New Haven, Conn., in 1783. While still a lad he removed to Vermont and then to Delhi, Delaware County, N. Y. There he grew to manhood, and acquired such education as the condition of the country immediately following the close of the Revolution afforded. He adopted the law as his profession, and upon admission to its practice formed a law partnership with General Erastus Root of Delhi.

At the outbreak of the second war with England, he was selected to command the company of infantry raised in Delaware County in the winter of 1812-13. The company was assigned to the Ninth Infantry, which was attached to General Winfield Scott's brigade. Captain Leavenworth rose rapidly, and as a major, commanded his regiment in the invasion of Canada from the Niagara frontier.

At the close of the war he obtained leave of absence to permit him to serve in the Legislature of his adopted state, to which he had been elected. In 1818 he was promoted lieutenant colonel of the 5th Infantry. From Detroit, Mich., where his new regiment was stationed, he conducted the organization to the Falls of St. Anthony, Minn., and there, on the banks of the Mississippi river, selected the site on which he established Fort Snelling. Before the permanent buildings were completed, Colonel Leavenworth was transferred (Oct. 21, 1821) to the 6th Infantry, and placed in command of the troops at Fort Atkinson, in Nebraska, situated on the banks of the Missouri river. In 1823 he was placed in command of an expedition against the Arickaree Indians, seven hundred miles up the river. For this service he was specially commended by the Department Commander, the Secretary of War, and the President in his annual message to congress.

In 1825 Lieutenant-Colonel Leavenworth was promoted to the colonelcy of the 3d Infantry. He was assigned to its command at Green Bay Barracks, Wis., and the following year marched with a detachment of his regiment to Jefferson Barracks, Mo., and set up a school for the practice of Infantry, the site for the same having been selected during the previous year by General Atkinson and General Gains. He at once

addressed himself to the task. The school was not destined to live long.

Scarcely settled at his new post, Colonel Leavenworth received orders in March, 1827, to take four companies of infantry to ascend the Missouri river, and, upon reaching a point within ten miles of the mouth of the Platte river, to establish a cantonment. He explored the country and was soon convinced that the land on the east, or Missouri side of the river, would be flooded during high water, and that it was not advantageous for a permanent post. Without waiting for new orders he crossed over to the Kansas side and picked the site for a cantonment where Fort Leavenworth is now located. The first camp on the site was pitched May 8, 1827, and was named "Cantonment Leavenworth". Colonel Leavenworth sent a clear and beautiful description of the land and advantages of the new cantonment to Washington, and it was approved by a formal order of the War Department September 19, 1827.

During the next two years many of the soldiers were taken sick and died of malarial fever, mainly for lack of proper medicines to treat the disease, and Cantonment Leavenworth was looked upon as an unhealthy place. The garrison was ordered withdrawn to Jefferson Barracks, and Leavenworth was assigned to command the latter post. The cantonment was taken possession of the second time in 1829 by a battalion of the 6th Infantry commanded by Brevet Major Bennett Riley, 6th Infantry.¹

In 1834 Colonel Leavenworth was assigned to command the entire southwestern frontier in which year he took charge of an expedition against hostile Pawnee and Commanche Indians. Out of this enterprise was secured, without a single collision, a permanent treaty of peace. The campaign was a long one, but it was conducted with such skill that he was promoted to brigadier general as a reward. While engaged on this duty he contracted a fever from which he died July 21, 1834, in a hospital wagon near a place called Cross Timbers, Indian Territory, but the news of his promotion did not reach his command until four days after his death.

In his annual Report for 1834 the Secretary of War, referring to General Leavenworth's death, said:

"Impelled by his anxiety to forward the views of the Government, he exposed himself, while yet weak, to the hardships of a boarder campaign, and sunk under the malady

¹ Fort Riley, Kansas, is named in honor of this officer who performed distinguished service in the war with Mexico.

which these induced. His high personal character, and his exemplary official conduct since, are too well known to you to require from me anything more than this brief allusion to his worth."

The President in his Message to Congress, 1834, said:

"It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives and particularly that of General Henry Leavenworth, an officer well known and esteemed for his gallant services in the late war, and for his subsequent good conduct, has fallen a victim to his zeal and exertion in the discharge of his duty."

In a sketch of General Leavenworth, from the pen of General George B. Davis, Judge Advocate General, U. S. Army, published in the U. S. Cavalry Journal, this tribute is paid the distinguished officer of whom he says:

"General Leavenworth seems to have exercised a profound influence upon the development of the standards of duty and discipline in the army of the United States during its formative period, between the reduction of 1821 and the occupation of the valley of the lower Missouri, which was completed in 1845. He was one of the first, as he was certainly one of the most active and intelligent of the small number of regimental commanders upon whom developed the duty of adopting European methods of drill, discipline and administration to the peculiar needs of our own military service. How well this task was performed was seen a little more than ten years later in the splendid behavior of the regular regiments in the war with Mexico. He was a man of broad and varied culture, keenly alive to the needs of the time, and fully impressed with a sense of the importance of the part the army was to play with the development of the great empire beyond the Mississippi, which had but recently been acquired, and the very boundaries of which, to say nothing of its vast resources and possibilities, were then practically unknown. That the settlement of the valley of the upper courses of the Mississippi and Missouri rivers, comprising the states of Missouri, Kansas, Iowa, Minnesota, Nebraska and the Dakotas, was effected peacefully and without serious friction is due largely to his foresight in preventing hostile collision, and to the rare tact and skill in dealing with the tribes whose territories were being encroached upon by the advancing settlements. And it was while engaged upon the execution of a similar scheme of pacification, with reference to tribes occupying the plain region of the trans-Missouri—a duty of the highest importance, which had been intrusted to him as the best fitted, by character and capacity, for its adequate performance—that death put a termination to his useful and productive labors."

James Hildreth, who published "Dragoon Campaigns" in 1833, and who knew General Leavenworth intimately, says:

"He is a plain looking old gentleman, tall yet graceful, though stooping under the weight of perhaps fifty years,

affable and unassuming in the society of his brother officers, mild and compassionate toward those under his command, combining most happily the dignity of the commander with the moderation and humanity of the Christian, and the modest and urbane deportment of the scholar and the gentleman; all love him, for all have access to him, and none that know him can help but love him."

General Leavenworth's body remained at Cross Timbers for several months when it was taken across the plains and finally sent to Delhi, N. Y.

The arrival of the remains in New York City, May, 1835, was made the occasion of a great military and civic ceremony.

From "Impressions of America during the year 1833, 1834 and 1835," by Tyrone Powers, Esq., the following account of these imposing ceremonies is taken:

"On the 19th we had a grand military ceremony and procession to receive and escort to the Battery, the remains of General Leavenworth, a brave and very popular officer who died in consequence of the fatigue and privations incurred on the late prairie expedition against the tribes of the Missouri.

"His remains were brought hither by way of the lakes on the route to the place of sepulchre.

"The volunteer corps were all turned out on this occasion, each remarkable for the neatness of its dress and the completeness of appointment.

"The persons who appeared least to enjoy the eclat of this military fête were the officers of the regular U. S. Army. They were readily distinguished by their upright, soldier-like air, together with a certain cold and very proud expression, as though they discovered no fun in the thing and moreover were insensible to the honor of the companionship they were admitted to.

"During the course of the procession a salute was fired from the Battery by the mounted artillery corps; the bands played and the bells of the different churches on the line of march tolled for the dead."

General Leavenworth was dearly beloved by the officers and soldiers of his command. They raised money for a fine marble monument twelve feet high, representing a broken column, which marked his grave at Delhi. The inscription on the four sides of the die is as follows:

1. "In memory of Henry Leavenworth, of the United States infantry, and brigadier general in the army."

2. "Born at New Haven, Conn., December 10, 1783. Died in the service of his country, near the falls of the Washita, July 21, 1834."

3. "For his civic virtues, his fellow-citizens of Delaware county honored him with a seat in the legislature of New York. The fields of Chippewa, Niagara and Arickaree established his fame as a soldier."

4. "As a testimonial to his public and private worth, his regiment has erected this monument."

Movement to Transfer the Remains to National Cemetery at Fort Leavenworth

On December 1, 1901, the following appeared in the Evening Chronicle-Tribune of Leavenworth:

The transfer of the body of the late General Henry Leavenworth from its resting place in the cemetery at Delhi, N. Y., to the National cemetery at Fort Leavenworth, Kan., is a proposition Henry Shindler has undertaken and its success is virtually assured.

With this object in view he has obtained permission of the only living descendants—three grand children—and their authority is now on file in the department of War at Washington.

The idea of transferring the body to the Fort Leavenworth national cemetery grew out of a newspaper paragraph which appeared some four years ago to the effect that the grave at Delhi, N. Y., which contained General Leavenworth's body was almost forgotten and no relatives lived near there to care for it. It struck Mr. Shindler that the transfer of the body to Fort Leavenworth would not only be appropriate, because General Leavenworth selected the site where Fort Leavenworth now stands, but the grave would be kept green as long as the republic stands.

Mr. Shindler promptly set to work to ascertain the names and whereabouts of living descendants to secure their authority for the removal. After a long and persistent effort their location was established and the proposition, when placed before them, not only received their unanimous approval but authority for its immediate accomplishment.

Armed with this permit Mr. Shindler enlisted Leavenworth's Commercial Club in the undertaking over a year ago and upon his suggestion Senator Baker was requested to present the matter to the Secretary of War with a view to having the disinterment, shipment to, and reinterment at Fort Leavenworth, ordered. The senator endeavored to induce Secretary Root to comply with the club's request; but without avail. Last summer when the secretary visited Fort Leavenworth, Mr. Shindler, in the presence of a CHRONICLE-TRIBUNE reporter, again broached the subject to him, but the secretary could not see his way clear. He said that he would like to oblige the citizens of Leavenworth but that it was out of the

question for the reason that there was no appropriation available for removing the body from the New York cemetery to this place.

"The department", he stated, "will gladly give the permit for the interment of the body in the National cemetery here, but this is as far as the department can go."

When the department declined to grant Senator Baker's request for the transfer of the body, the session of Congress was then too near its close to permit the initiation of proceedings looking to a special appropriation and nothing, beyond broaching the subject to the Secretary of War, has since then been done.

Mr. Shindler has now determined to bring the matter to a successful issue and he has gone to work with the vim and spirit so characteristic of him in anything he undertakes.

That the plan proposed will meet with unanimous public approval need not be discussed here. That is a certainty. It will at once commend itself, not only to every man, woman and child in Leavenworth county, but every officer and soldier in the Army will feel that the people of this community will acquit themselves nobly by undertaking to carry out such a proposition and thus pay proper tribute and respect to one whom the people of the entire West owe a lasting debt for his valiant services.

It is Mr. Shindler's further idea that after the body is brought here and laid away for its final and eternal rest, a public subscription be started throughout the county and city through which to obtain sufficient means for the erection of a monument worthy of the dead soldier. He believes in having the body brought here as soon as practicable, so that funds may be raised in season and the monument erected in time to permit the unveiling on next Memorial Day, May 30, 1902.

"It is not any too soon to begin now", said Mr. Shindler today. "Let us make the ceremony of unveiling of a character more imposing, if possible, than were witnessed during the unveiling of the Grant statue at Fort Leavenworth in 1889. Let these ceremonies be truly worthy of General Leavenworth and the United States Army at the same time. Let us invite a distinguished soldier, General Nelson A. Miles, if possible, to come here and deliver the oration upon the occasion. Let us invite the only living descendants of General Leavenworth, three in number, to be the guests of the city for the occasion. It would bring to Leavenworth an army of people, the like of which was never witnessed in this

city. The day will be a national holiday. Everybody will have an opportunity to attend, and there is not a man, woman or child in Kansas, within easy reach of this place, who would not willingly come to Leavenworth on that day and assist in its proper observance. Let us have a parade at the Fort of young and old soldiers that will be the largest of its kind ever seen in Kansas. We have both here and we can get many to join from other points.

The above is a general outline of Mr. Shindler's proposition. He is already making arrangements for the shipment of the body."

The following communication is self-explanatory:

FORT LEAVENWORTH, KANSAS,

February 18, 1902.

*Hon. John P. Bauserman,
President, Commercial Club,
Leavenworth, Kansas.*

DEAR SIR:

For the information of yourself and club, I beg to submit the following:

In the early part of 1900 the club was informed that the grand children of the late General Henry Leavenworth gave their consent to the transfer of his remains from Delhi, N. Y., to the National Cemetery at Fort Leavenworth, Kansas.

A committee, consisting of Messrs. Jackson, Bond, and Shindler, was appointed to correspond with United States Senator Lucien Baker, with a view of having the transportation of the remains authorized by the War Department. In this effort the committee was not successful, there being no appropriation available from which the department could authorize such expense.

No further steps were taken until last December, when the subject was again taken up, and, I am pleased to announce, after a great deal of correspondence, satisfactorily arranged. That is, all objections interposed by the people of Delhi have been withdrawn, and the Adams Express Company has kindly consented to transport the remains, at its own expense, from Delhi to this point.

That the ceremony of reinterment be as imposing as the distinguished services rendered by General Leavenworth demand, it is suggested that the date of reinterment be set for Memorial Day, May 30, 1902, that being the most appropriate for the purpose.

The club will undoubtedly appreciate that the day can be made the most eventful in the city's history. To attain this end it is your duty to provide for the appointment of a committee, not to exceed five in number, to be known as the "the committee on arrangements" and of which the commanding officer of Fort Leavenworth, should be *ex-officio* chairman. It will be the duty of this committee to take full charge of every detail of the arrangements, not only in connection with the transfer of the remains, but also for a proper ceremony, both civil and military. It is not necessary at this time to enter into a discussion of any minor details. These can be left to the committee and will be reported to the club from time to time.

That there may be no delay in the matter of raising funds with which to erect a monument suitable to the services and memory of the distinguished officer and a credit to the people of the entire county, it is deemed not inappropriate to suggest now that the club direct the appointment of a committee of seven persons, to be known as the "General Leavenworth Monument Committee," to which shall be delegated the duty of devising ways for the creation of a suitable fund, and, for suggesting plans for the monument. In fact, this committee shall have full charge of every matter affecting the monument, from the raising of funds to the preparation of plans, its erection and unveiling.

I beg further to suggest that Major R. W. McClaughrey, Warden United States Penitentiary, and Major Daniel E. McCarthy, Quartermaster, United States Army, be placed on the General Leavenworth Monument Committee.

Believing that the Commercial Club will meet the occasion as it deserves, and prove in this instance, an instrument worthy the people of Leavenworth and hoping that it will secure the active support of every man, woman and child of the entire county in the noble and patriotic work undertaken, I remain,

Yours very truly,
HENRY SHINDLER.

Insisting Upon Removing General Leavenworth's Remains

(From a *Delhi, N. Y. Exchange*)

A few weeks ago it having come to our knowledge that a movement was on foot to remove the remains of the late General Henry Leavenworth from our beautiful cemetery, where

they rest in accordance with his dying request, and are given all the care and honor which the citizens and particularly the G. A. R. Post can bestow or could be expected by the most exacting, we entered a positive protest, especially as false and misleading reports were published in the west in reference to the shameful condition of the surroundings of his burial place here, etc. The proposition now comes from those who are the head of the movement at Fort Leavenworth, as will readily be seen from the following extracts from a letter to the Commander of England Post in this village:

HEADQUARTERS
ARMY AND NAVY UNION
LEAVENWORTH, KANSAS

January 12, 1902.

Commander, G. A. R. Post, Delhi, N. Y.

DEAR SIR:

* * * * *

Let me assure you that I fully appreciate the sentiments which move you and others of the good people of Delhi in the proposed transfer. I feared this very condition to happen and am not disappointed. I hope, however, to be able to show you and your good friends that the people of Delhi could do no greater honor to this distinguished soldier than permit the transfer of his remains to the scenes of his earlier life and where he established a military post, the most beautiful possession of the government.

The National Cemetery of the post is within a stone's throw of the great parade. Thousands of people visit the place each year and annually our people remember the soldier dead on the day set aside by the government. His grave will always be pointed to as the soldier whose great foresight and sound judgment located the post, the greatest in the country, named in his honor, as is the beautiful city and county. As time marches on his career will only shine the brighter. The monument our people will erect will be worthy of their efforts to have the remains brought here. His grave would prove a shrine for every officer and soldier as that containing the remains of an officer who established the first army school at Jefferson Barracks, Mo., in 1826, and a year later Fort Leavenworth, since, the center of military education in the United States. This post is to have three thousand soldiers stationed within its limits. Buildings for their accommodation are now being erected and not less than five hundred officers will be given instruction here at one time.

At Delhi, as generations pass away it is only natural that the memories of the great deeds of this officer and soldier will become more dim. So I say, that as the generations of your good town pass away his record will shine less brightly, while if buried here, among his earlier scenes, his record will

gain luster as time marches on. As long as the Great Republic stands his grave will be kept green.

I hope you and your soldier friends, and other good folk of the town will look at this matter from a sensible standpoint and place no objection in the way of the transfer. You will surely honor the great soldier by permitting it. I appreciate his last words on the subject of a final resting place but new conditions have shown the change would be a great honor.

I have written this day to relatives next of kin—grand-children—and hope that the matter may be adjusted in the most friendly spirit and the people of Leavenworth allowed to pay due homage to the remains of the great soldier of the Republic.

I feel satisfied that you will view the plan in a sensible, soldierly light, and convince your friends that the people of Leavenworth should be permitted to have their wish.

I have given the matter of his wife's remains, as well as daughters', a thought and believe it will be advisable to transfer all three. I think it should certainly be done.

We are ready to proceed when the matter has been amicably adjusted and trust you will aid us in that direction.

The secretary of war has promised the necessary military functions to do honor to the General upon re-interment.

Yours very truly,

HENRY SHINDLER,

Past Nat. Commander R. A. & N. U.

In a recent letter from Colonel Cormack, who has always been conspicuous and untiring in caring for Leavenworth plot and monument, he expresses his readiness to yield to the claims of the Fort Leavenworth people as follows:

"I, in common with other Delhi citizens, greatly desire that his remains might remain with us, and I have no doubt the general sentiment would run in this direction, but this is only sentiment, and if the people of Leavenworth desire to honor his remains, and themselves, I do not feel disposed to stand in their way in a work, which all must admire so far as they are concerned."

From the above it would appear that there is but one thing for the people of Delhi to do in this matter, and that is to yield a cheerful acquiescence to the inevitable, as there are evidently influences at work which will ultimately result in the removal of the remains of General Leavenworth and the members of his family buried here (much as we may regret such action) which it would be utterly foolish for us to resist—in fact it might assume the proportions of the U. S. Government against Delhi. What we have a right to contend for and object to is that the remains have been given the best possible care here and not neglected in the disgraceful manner which has been charged by overzealous Western papers, some of

which have asserted that "the removal of the body will be opposed by force, if necessary."

It has been suggested that a committee of three should be appointed from this community (selected from both England Post and the ranks of private citizenship) who shall conduct the negotiations with the authorities at Leavenworth. In any event, it seems that the Leavenworth Monument should remain here, even if the bones of the General must be removed.

A Great Success (From Western Life.)

Memorial Day of 1902 will long be remembered by those who witnessed the exercises in connection with the re-interment of the remains of the late General Henry Leavenworth. It was the grandest day in the history of the city. More than ten thousand strangers entered her gates and more than twice that number beheld the most imposing military spectacle ever seen in the west. The presence of distinguished military men including such soldiers as General John C. Bates, of civic officials including such as Governor Dockery of Missouri with a brilliant military staff, and of the church including such as Bishop Millspaugh of the Kansas Episcopal diocese, who came to assist in paying a tribute to the soldier dead, added to the greatness of the day. Besides Mrs. William Dunn of Chicago, a granddaughter, and Mrs. Ingersoll of Tacoma, Washington, a great granddaughter, there were many other relatives present.

The splendid display of the military was, of course, a chief attraction in the parade. Much of its success was due to the royal assistance rendered by the commanding officer¹ of the post and his subordinates. Every one seemed to vie with each other to make the Day one worthy of remembrance, and they succeeded. There have been many big demonstrations in Leavenworth, but none of them ever came up to last Friday's parade. There was not a hitch anywhere. There wasn't even cause for criticism. Everything was arranged with such nicety, so thoroughly planned, that only praise was bestowed upon those responsible for the results.

The person to whom this credit is largely due is Mr. Henry Shindler. To him alone belongs the credit for securing the transfer of the remains of General Leavenworth and to his tact and diplomacy can the fruits be ascribed. Re-

¹ Major J. A. Augur, 4th Cavalry

ferring to Mr. Shindler's efforts the Delhi Republican in its recent issue said that "Mr. Shindler's tact and courtesy in effecting the transfer of the remains without the least friction from the conflicting interests, is to be highly commended."

From the moment he announced last winter that the transfer would be effected and re-interment made in the National cemetery with imposing ceremonies, Mr. Shindler never wavered. He was confident of success. It was this confidence that gave him courage, and with an executive ability so thoroughly disclosed in the management of the entire affair, gave Leavenworth a splendid example of what can be accomplished when the elements required to win are present and put to good use.

The chairman of the committee, Mr. W. H. Bond, gave Mr. Shindler the widest latitude and felt content that the arrangements would be well looked after.

Western Life is pleased to give Mr. Shindler the fullest credit. He is being congratulated on every hand and feels grateful to his friends for the many kind expressions uttered.

The relations of General Leavenworth have sent him the following card of thanks:

The members of the Leavenworth family, guests of the city of Leavenworth, not only desire to express their thanks for the royal entertainment extended them, but wish to express their appreciation of the efforts of Mr. Shindler, Secretary of the Citizens' Committee, and all others who assisted him, for the honors shown to the name and fame and memory of our illustrious relative.

MRS. C. J. KERSHAW,
MRS. A. M. INGERSOLL,
MRS. WILLIAM DUNN,

Granddaughters.

MISS A. C. LEAVENWORTH,
MRS. MARY LEAVENWORTH-SMYTHE,
MRS. ELIZABETH LEAVENWORTH-FARNSWORTH,
HIRAM LEAVENWORTH FERRIS,
ANNA MARTIN,
FRANCES COON.

[APPENDIX "J"]

List of Officers who have Commanded the Post of Fort Leavenworth, from its Establishment to Date

- 1827 to 1829—Colonel Henry Leavenworth, 3d Infantry.
 1829—Captain Bennett Riley, 6th Infantry.
 1830—Major William Davenport, 6th Infantry.
 1832—Captain Bennett Riley, 6th Infantry.
 1833—Captain Wm. N. Wickliff, 6th Infantry.
 1834—Captain Bennett Riley, 6th Infantry.
 1834 to 1836—Colonel Henry Dodge, 1st Dragoons.
 1836 to 1841—Colonel Stephen W. Kearney, 1st Dragoons.
 1842—Lieut. Colonel R. B. Mason, 1st Dragoons.
 1843—Colonel Stephen W. Kearny, 1st Dragoons.
 1844 and 1845—Major Clifton Wharton, 1st Dragoons.
 1846 and 1847—Lieut. Colonel Clifton Wharton, 1st Dragoons.
 1848—Captain W. S. Ketchum, 6th Infantry.
 1849—May 2—Lieut. Colonel E. V. Sumner, 1st Dragoons.
 1850—June 30—Captain Chas. S. Lovell, 6th Infantry.
 August 20—Lieut. Colonel Joseph Plympton, 7th Infantry.
 Sept. 6—Major Benjamin L. Beale, 1st Dragoons.
 Oct. 8—Lieut. Colonel E. V. Sumner, 1st Dragoons.
 1851—March 12—Major B. L. Beale, 1st Dragoons.
 March 29 to 1853—Colonel T. T. Fauntleroy, 1st Dragoons.
 1854—Capt. F. E. Hunt, 4th Artillery.¹
 1855—Lieut. Col. Phil. St. George Cooke, 2d Cavalry.
 1856—Colonel E. V. Sumner, 1st Dragoons.
 July 12—Captain Thomas J. Wood, 1st Cavalry.
 July 28—Lieut. Colonel Joseph E. Johnston, 1st Cavalry.

¹ Captain Franklin E. Hunt, was graduated from West Point in 1829. He was stationed at this post from 1850 to 1855 and upon the departure of Colonel Fauntleroy commanded the garrison. He was appointed paymaster and served in this section during the civil war serving as volunteer aide-de-camp on the staff of General Curtis with headquarters at Fort Leavenworth and also assisted in the defense of Fort Leavenworth against an attempt of General Price in 1864. He has the distinction of having served as paymaster of the Department of the Missouri from the close of the war until his retirement in 1879. He became an actual resident of the city of Leavenworth. He died in 1881. His long residence in the city enabled him to become largely identified with the city's local interest and amassed a great deal of property among which was the building at the north-west corner of Fifth and Shawnee streets, still known as the "Hunt" block. His only living son is McCowan Hunt who continues to reside in Leavenworth. He is the agent and local representative of the Fort Leavenworth Bridge Co.

- 1856—Aug. 21—Captain S. D. Sturgis, 1st Cavalry.
Sept. 21—Captain Thomas Hendrickson, 6th Infantry,
Oct. 13—Colonel E. V. Sumner.
- 1857—Oct. 12—General W. S. Harney.
Oct. 27—Colonel Francis S. Belton.
- 1858—Jan. 31—General W. S. Harney.
May 15—Major Thomas W. Sherman, 3d Artillery.
May 16—Lieut Colonel John Munroe, 4th Artillery.
- 1859—June 15—Colonel T. Dimmick.
Nov. 14—Captain Horace Brooks, 2d Artillery.
Dec. 19—Lieut. Colonel John Bankhead Magruder.
- 1860—Sept. 3—Captain W. F. Barry, 2d Artillery.
Oct. 2—Captain Horace Brooks, 2d Artillery.
Oct. 27—Colonel John Bankhead Magruder.
Oct. 31—Captain Horace Brooks, 2d Artillery.
- 1861—Feb. 3—Captain William Steel, 2d Dragoons.
April 30—Dixon S. Miles, 2d Infantry.
May 23—Captain Alfred Sully, 2d Infantry.
May 31—Major Delos B Sackett, 1st Cavalry.
June 12—Major S. D. Sturgis, 1st Cavalry.
June 21—Major William E. Prince, 3d Infantry.¹
- 1862—June 11—Lieut. Colonel J. T. Burris, 8th Kansas Cav.
1863—Dec. 24—Colonel C. R. Jennison, 15th Kansas Cav.
1864—July 7—Colonel J. A. Goodwin, 138th Ill. Vol. Inf.
Sept. 27—Lieut. Colonel W. R. Davis, 16th Kansas Cav.
1865—April 27—Lieut. Colonel Heinrichs, 16th Kansas Cav.
June 27—Colonel A. P. Carahar, 2d U. S. Vol. Cavalry.
Sept. 14—Lieut. Col. Rufus E. Fleming, 6th W. Va. Cav.
Sept. 23—Major Wm. Clinton, 13th Infantry.
Nov. 20—Colonel Issac V. D. Reeve, 13th Infantry.
- 1866 to 1867—Colonel Wm. Hoffman, 3d Infantry.
- 1868—April 9—Major Alfred Gibbs, 7th Cavalry.
Sept. 10—Major Henry S. Huntington.
Oct. 7—Captain H. C. Hasbrouck, 4th Artillery.
- 1869—March 26—Captain W. M. Graham, 4th Art.
April 22—Captain Simon Snyder, 5th Infantry.
June 13—Lieut. Colonel W. H. Lidell, 10th Infantry.
Oct. 22 to April 2 1871—Colonel S. D. Sturgis, 7th Cavalry.
- 1871—April 2—Captain Dangerfield Parker, 3d Infantry.
April 7 to July 12, 1876—Colonel Nelson A. Miles, 5th Inf.
- 1876—July 12—Captain W. Lyman, 5th Infantry.
July 22—Captain A. C. Wildrick, 2d Artillery.
Dec. 20 to Feb. 5, 1878—Col. Jefferson C. Davis, 23d Inf.

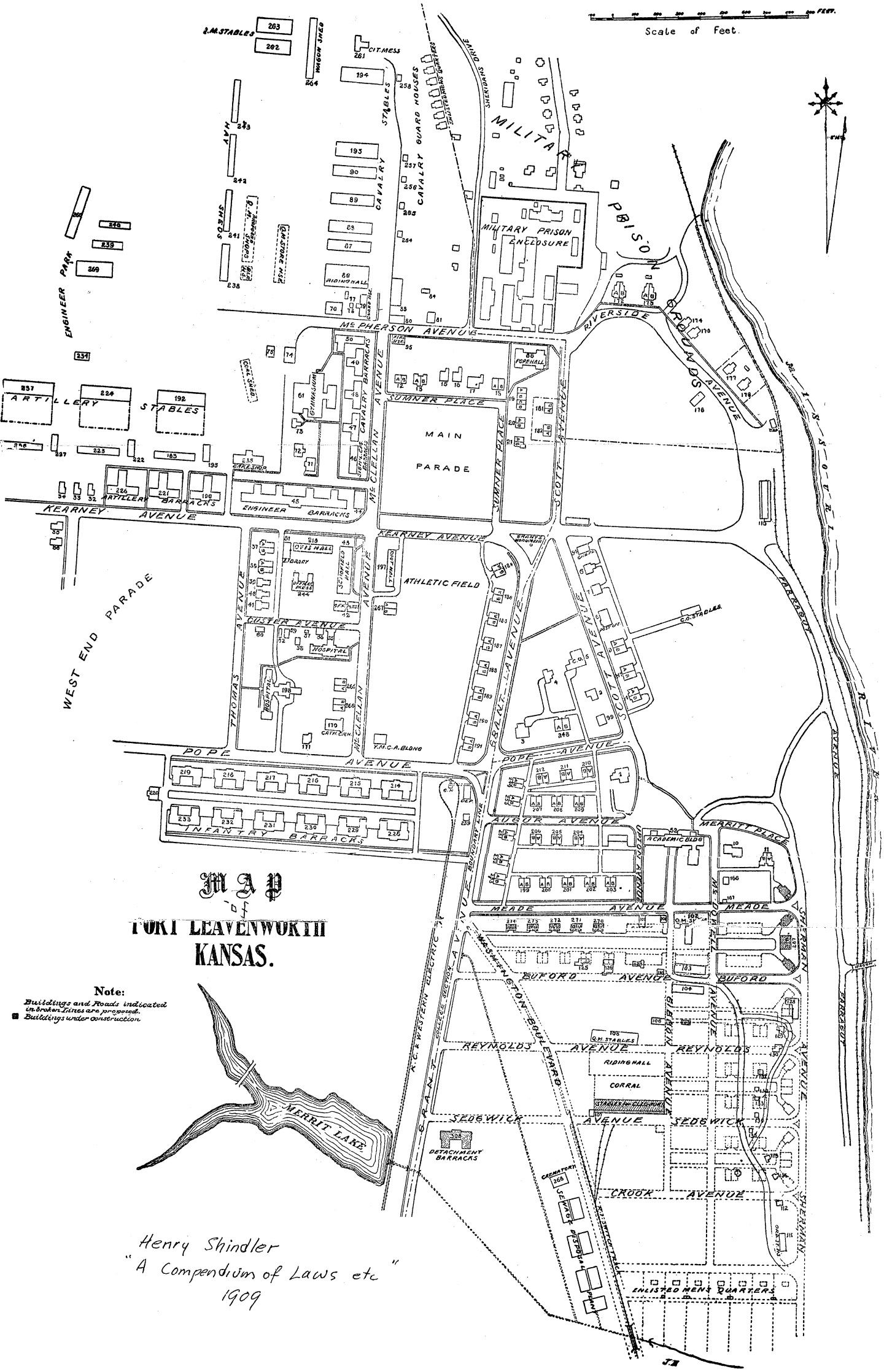
¹ On being relieved Major Prince issued an order in which he says: "The troops he has had the honor to command for so long a period he wishes victory upon the battle field and an affectionate adieu."

ADDENDA

Above last line read:

“1907—Colonel Thomas F. Davis, 18th Infantry.”

- 1878—Feb. 5—Lieut. Colonel R. I. Dodge, 23d Infantry.
May 19—Col. Jefferson C. Davis, 23d Infantry.
Jan. 27—Captain Geo. M. Randall, 23d Infantry.
Feb. 20—Colonel C. H. Smith, 19th Infantry.
- 1881 to June 1885—Colonel E. S. Otis, 20th Infantry.
- 1885 to April 1886—Colonel Thomas H. Ruger, 18th Infantry.
- 1886 to June 1890—Colonel A. McDowell McCook, 6th Inf.
- 1890 to Sept. 1894—Colonel E. F. Townsend, 12th Infantry.
- 1894 to April 1898—Colonel H. S. Hawkins, 20th Infantry.
- 1898 —Major J. A. Augur, 4th Cavalry.
- 1899—Major J. J. O'Connell, 1st Infantry.
- 1900—Lieut. Colonel J. M. Lee, 6th Infantry.
- 1902—Colonel Chas. W. Miner, 6th Infantry.
- 1903—Brig. General J. Franklin Bell.
- 1904—Colonel J. W. Duncan, 6th Infantry.
- 1905—Colonel Chas. B. Hall, 18th Infantry.
- 1906—Lieut. Colonel Wm. Paulding, 18th Infantry.
- 1907 to date—Colonel R. H. R. Loughborough, 13th Infantry.



**MAP
OF
FORT LEAVENWORTH
KANSAS.**

Note:

- Buildings and Roads indicated in broken lines are proposed.
- Buildings under construction.

Henry Shindler
"A Compendium of Laws etc"
1909

